App. F. IX-4

1933.
(Law)

File No. 68-32

Previous References
Mar Dept No 82/32

Serial Nos. 1 -18

Letter References
Law 43-36-1-6

149

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 18

Part B for Aug 1938

SUBJECT.

Suit for the recovery of the amount bequeathed by the late Mr Somasundara Mudaliar to the Jalakandeswara Swami temple Fort. Madras

SL-18

To the Mar Comm

WD 0295—GPB—22,500—1[illegible]37

Comptr

MOP 673-4 dt 1.8.38

Sanction the bill of the P.T.

for Rs 1391-

11:28/9/38

M. C. 13]

No. P6. 150/32-33
Ewel file

(1

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Dated, Bangalore, 15th April *193* 3.
18.

FROM

S. HIRIANNAIYA, ESQ,. M.A., B.L.,
Muzrai Commissioner in Mysore.

To

R. Ranga Rao, Esquire., B.A., B.L.,
General *Secretary to the Government of His Highness*
the Maharaja of Mysore.
.....xDepartmentx

4-13

SIR,

In forwarding herewith in original, the entire correspondence ending with the Bangalore District Deputy Commissioners letter --- No.C3-2087/32-33 dated 29th March 1933 re the endowment of Rs.6000, said to have been made by one Mr. Somasundara Mudaliar for the --- benefit of the Sri Jalakanteswaraswamy temple at Fort, Bangalore -- City, I have the honour to state as follows:-

On a petition from one Mr. G.S. Rao both to Government and this office stating that Mr. Somasundara Mudaliar, of the land on which the Maternity Hospital is being built at Bangalore, has left by will an endowment of Rs.6000/- out of the compensation to be -- awarded for the acquisition of the land in favour of the said ---- temple, it is ascertained that a will of the kind has been execut but it is neither registered nor the original of it is forth comi The compensation amount has been sent by the City Municipality to the District Court, Bangalore, for deposit, pending disposal of --- Mis.case No.65/31-32 on the file of that court. The will is said to have been filed in this case and the Public Prosecutor is of -- opinion that it might be possible to prove the existence of the -- will and to recover the amount. The Deputy Commissioner states that he has instructed the Public Prosecutor to file a suit on -- behalf of the institution and requests approval of his action, the cost on account of the same being met from the funds of the insti- tution.

2.

1.e. 5701 ✓

(2)

2. I request that the opinion of the Law Department on the action proposed to be taken by the Deputy Commissioner, may kindly be obtained and intimated.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Submitted

This may kindly be sent to Law Dept for favour of opinion.

(1) Yes
1/5

(2) For favour of opinion
1/5

Asst Secy
Law Dept with Compts)

Law

If the account is in Court why cannot the Muzrai Comr be a claimant in the Land acqn Case & why is it necessary to file a separate suit — to the PTs
Please put up a draft

2/5/33

Draft enquiry put up accordingly

3/5

Issue
2/5

4 MAY 19..

Issued vide P. 5806 dated 5.5.33

NL. & REV

8/5/33

230

Re Endowment of Rs 6000/- for prizes to have been made in favour of Sri Jalakantheswara Swami temple — Fort Bangalore city.

(3)

Serial No.

From,

The Pr. Blue

no. 149/33-34 dated 25-8-33 stating that he is filing an appl^n in the Hig. Court before the Dt. Judge Blue to be brought on record.

8) Copy of the Pr's letter may perhaps be sent to the Hig. Comm^r

9) Subs^n for orders may be reg^d to para 2 supra.

25/8

Asst Secy, Mus Br
with compts

to Bnp
26/8/33

Jt Secy)

25/8/33

11) A.D.
26.8.33

12) 29/8

GENL. & REV. SECRET. 28 AUG. 1933 230

Ans
1.9.33

GS 29/8 Bnp Submd

Dne 31/8

31 AUG. 1933 GEN. & REV. SECT.

No 304 of 6.9.1933 to the Mysore Commissioner forwarded for information Copies of letter No. S-806 of 5/5/33 to the Public Prosecutor Bangalore Division and of letters No 933/32-33 of 29/5/33 and 149/33-34 of 23/8/33 received in reply from the Public Prosecutor

NOTE—Contn. Sheet.

Law File No. 1151 2330-33 of 193 (4) General and Revenue Secretariat

Law Secl. Cost Certificate

XY
7/9/33

From;

The Rr. Bose

D.O. No. B/3334 dated 5.9.33 enquiring whether a Suit could not be better, than to file an appl:

~~said for was rejected to pay~~

No. 182/3334 dt 5.9.33 forwarding a petition to be filed in Mi. 65/31-32 on the file of the Hr. Judge Bose re: the recovery of Endowment paid to have item made by one Mr Sivasundara Modaliar for the benefit of Sree Jalakanteshwara Swami.

2) The petition as proposed may perhaps be filed in the first instance.

Subl: for orders with refce to para 2 supra.

7/9

Serial No.

(14) Mr A. Somasundaram Mohar was the owner of the land in the Fort, on which the Maternity Hospital is now being built. The land was acquired for this purpose under the L. A. Regn & now on the appln of mr. mohar, there is a reference under sec 18 pending in the Dist Bangalore.

(15) During the pendency of these proceedings, the gentleman died & he has left a will whereby out of the Compensation amount, he has left a Sum of Rs 50000/- to Sri Jalakanteswara Swami temple in Fort, the endowment being managed by the Hur Deptt.

(16) The question is whether the Hur Comr Can be made a party to the L. A. case & an order obtained therein directing the amount being paid over to him.

(17) It is well settled that a Court in hearing a reference under the L. A. Regn Can only deal with an objection which has been referred to it and it cannot go into any question raised for the first time by a party who had not referred any question or any objection to it under sec 18 of the Regn. If therefore the reference is as to the market value of the land, the Court cannot go into the question of the several rights of persons

NOTE—Contn. Sheet.

entitled to the compensation. Subject to this there is no objection to the Court adding parties to its proceedings and there is nothing in the L.A. Act preventing the Court to exercise the powers under order 1 rule 10 of the C.P. Code. The addition, however, of the parties cannot in any way enlarge the scope of the enquiry before the Court. This principle is well laid down in a recent decision of the Calcutta High Court reported in A.I.R. 1927 Cal 352.

(a) If therefore in this case the reference to the Dt Ct was made at the instance of Mr Soriasmoorum Mudaliar, and the objection raised was only as regards the market value of the land, all those persons who are interested in getting a higher compensation awarded ~~may become parties to the case if they are~~ may become parties, though the Court cannot determine the apportionment of compensation between them.

(b) Now under the will of late Mr. Mudaliar, as sole executor is appointed and the temple in question is given a fixed amount out of the compensation and it does not share any higher

General and Revenue Secretariat. File No. 1276/D of 193

Serial No.

amount that may be awarded by Court. It is therefore clear that the Hindu Com^r on behalf of the temple cannot in any way be interested in the reference before the Court. His interest lies in getting the amount made over to him. This appears to be a matter between the executor and the legatee temples, for which only suit seems to be a proper remedy.

2) A suit for recovery of a legacy may be filed within 12 years of the death of the testator. There is therefore no immediate necessity for filing a suit, especially since the compensation amount is still in Court and not paid over to the executor. If the will is however being kept back by interested parties and there is a likelihood of its being contested or the legacy being lost to the temple by delay, the Hindu Com^r may institute an administration suit now alone, in case the executor Mr. Sundaram Iyer is found not taking proper & necessary steps to administer the estate according to the will.

3) Forwarded with compliments to the Govt Advocate for favour of advice for further suggestions, if any.

V M Surya Rao
8/9/33

Noted P 12/9/33
9-9-33.

Note.—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

Serial No.

amount that may be awarded by Court. It is therefore clear that the Hon'ble Com'r on behalf of the temple cannot in any way be interested in the reference before the Court. His interest lies in getting the amount made over to him. This appears to be a matter between the executor and the legatee temples, for which only a suit seems to be a proper remedy.

2) A suit for recovery of a legacy may be filed within 12 years of the death of the testator. There is therefore no immediate necessity for filing a suit, especially since the compensation amount is still in Court and not paid over to the executor. If the will is however being kept back by interested parties and there is a likelihood of its being contested or the legacy being lost to the temple by delay, the Hon'ble Com'r may institute an administration suit now alone, in case the executor Mr. Sundaram Iyer is found not taking proper & necessary steps to administer the estate according to the will.

3) Forwarded with compliments to the Hon'ble Com'r & Advocate for favour of advice for further suggestions, if any.

P M Surya Rao
8/9/33

Nomo P 129 of 33
9-9-33.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

1201

6

File No. of 193 General and Revenue Secretariat

Returned with compliments.

As the matter is now pending in the District Judge's Court and as it is feared that the original will may not be brought to the notice of the Judge, it would be safer to file an application in the Miscellaneous case itself so that the Court may know who are entitled to the compensation in question. If the Court refuses to apportion the same among the different claimants, – the amount that has been bequeathed to the Temple may be recovered by filing a suit in time.

Government Advocate.
25-9-1933.

H.

G.O. No 47
33-34
dy 25.9.33

GENERAL SECRETARIAT
25 SEP 1933
No. [illegible]

Dft P pr
mm
30/9

Dft. submd
2/10/33

The ~~draft~~ appn sent by the PP for being pleaded in this case may be approved. A draft reply to him conveying necessary instructions is also put up.

Gen Sec
thro' Asst Sec
Mur
may be approved

mm
2/10/33

3/10/33

4/10

GENERAL SECRETARIAT
4 OCT 1933
No.

Tl Number)

Office of the Second Member of Council
6 OCT. 1933
No. 2.0.2.6a

Dft P pr 6/10 6/10

Issue mm 9/10

9 OCT

17:2
12 i/

(9

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

To

The Pr. Bloe

no. P. 1607 d 10.10.33. returning the petition duly approved and suggesting that it would be better to file the appl in the Mis. Case itself.

Sure 13/10.

From,

The Mag. Comm

no. Pc. 150/32-33 dated 26th Sept 1933 requesting to return the records sent with his office letter dated 18.4.33.

1) Entire file of records has been sent to the Pr. Bloe for ref. If approved the Mag. Comm will be informed accordingly

ISD 14/10.

2) Yes. Write the copy of the letter sent to Pr

Typd

3) Draft putup

ISD 16/10

4) Issue

16/10

Issued no. P. 1829 d 21.10.33

Sure 22/10

TYPING-SECTION 12 OCT. 1933 GENL. & REV. SECTT.

NOTE.—Contn. Sheet.

Endowment of the Sivagnanaswami Kodaiyar to the Sri Lakshmi Hiranyaswami Temple.

29/6/12

General and Revenue Secretariat

Law File No. 68 of 1932.

From

The Pbr. Bone

No 48/3234 d 20.11.33 stating that he will point out that the Amount should be placed with the Hny. Secy to Govt of Mys and requesting instructions in whose behalf the petn has to be filed in the Case

GENERAL SECRET. No 3.0.5

29) The Petn may perhaps be filed on behalf of Govt of Mys represented by the Hny. Commr in Mys. Subn for orders with reference to paras 22-23 Supra

ISD 2/12

A/I agree. Please put up a draft accordingly

30) BNP 2/12/33

31) Dft put up for appr

ISD 2/12

32) For perusal before issue

Perused) BNP 2/12

I) Issued) IR 4/12

BNP 5/12

3326 7/12

7/12

GPR 7/12

33) Issue BNP 7/12

To,

The Pbr. Bone

No. P. 2722 d 11.12.33 informing that no claim petn need be filed on behalf of Govt of Mys represented by the Hny. Commr

Secy C 14/12/32

6746

(11

General and Revenue Secretariat — Law File No. 68 of 1933. — [App. F. III—2

Serial No.

From

The PPr. B'lore

No. 1107 d 18.6.34 stating that the 1st claimant has filed an objn SR objecting to the maintainability of the petn and praying that our remedy if any is by way of a Suit, and stating that he is of opinion that there is considerable force in the objection and soliciting instructions in the matter.

2nd) The applⁿ on behalf of Govt was filed as advised by Govt. vide in para 2 supra. The decision of the Court may perhaps be awaited.

ISD 27/6.

3rd) Let the PPr take a ✱ decision from the Court & report the same for further action being considered

MRJ 25/6/34

4th Draft Submⁿ for applⁿ

ISD 26/6

5th) Issue

MRJ 29.6

To,

The PPr. B'lore

No. P. 5956 d 29.6.34 informing that a decision may be obtained on the app filed.

Submⁿ 3/4/34

TYPING SECTION 27. JUN. 1934 GENL. & R. SECTT

NOTE—Contn. Sheet.

Mis. 65/1932 in the file of the Addl. Dist. Judge, Bellary

4976

Law File No. 65 of 1933. General and Revenue Secretariat

From

The Dist. Bellary

no. 764/3536 dt 7.2.36 stating that the above case is likely to take some time before being finally disposed of and that it would be better to file a separate suit for recovery of the amount due to the temple and that it is learnt that the parties are trying to come to a settlement in which case Govt is likely to be prejudicially affected.

38) Ref. para 14-22 supra.
Submitted for orders.

15/2

39) Please enquire at what stage the mis case stands at present & whether it is not possible to get a decision early on the Addl filed on behalf of Govt.

PPR
14/2

Dft sent as accordingly
15/2

41) Issued
PPR
17/2

Issued no. C. 5536 dt 18.2.36

Sheet 41 issued
19/2

Mis. 65/1932 – Addl. Dwrs.

5378

13

General and Revenue Secretariat — Kaur File No. 68 of 1936 — [App. F. III—2

Serial No.

From,

The Pvr. Bldr

no. Bldr/3558 d 25.2.36 stating that the above case has been refd. to no. 336 and the case is not likely to be taken up in the near future, and the parties are trying to effect a settlement and draw the amount, and that the C is likely to order that for the a necessary party.

(1) Subt. for order with ref. to para 3 supra

The Mr may be Consulted in the matter.

TSD 4/3

(2) Was it not agreed after the PBr when a suit for recovery of the legacy would be heard? Where is this information? PBP 2/3/36

(3) This information has not been furnished. Dft para 4 calling for the same

TSD 3/3

(4) Issue PBP 3/3

Issued no. P. 6016 d 9.3.36.

TYPING SECTION 4 MAR. 1936 GENL. & REV SECTT.

Sec A. 10/3

NOTE—Contu Sheet.

WD 03594—GPB—30,000—18-7-35

Serial No.

under Article 123 of the Limitation Regulation. That Article would apply only when the suit is filed against the Executor or Administrator or some other person legally charged with the duty of distributing the estate. It is not clear from the records against whom the suit has to be filed and if the Defendant is not one of the persons mentioned above, the Article of limitation applicable to the suit would be Article 120 and the period of limitation would only be 6 years. (See 54 All. 93 P.C., and 1933 Cal. 253).

The Public Prosecutor states that there is a likelihood of the parties entering into a compromise and withdrawing the amount deposited in Court. He also states that there is no likelihood of the case being decided in the near future. It is apparent Government had no notice under Section 9 and had no opportunity to urge their claims before the Land Acquisition Officer. Under these circumstances a suit may be filed as suggested.

Government Advocate.

CSN/6.4.36

6) That the remedy in this case is by way of suit has already been pointed out in my note of 8.9.33 - para 19 Supra — Sanction may therefore be accorded to the filing of the suit and obtaining necessary orders to see that

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Endowment of the late Mr Surendra Nadelar.
>736

116

Govt File No. 68 of 193 . General and Revenue Secretariat

the endowment amount is not paid away from the Court to the other claimants

(Govt Secy) Sd 8/4
9/4

(First Member) Sd 9/4

Sd 10/4 Sd 11/4

(a) Subject in a dft G.O.
15D 14/4

(b) may be approved

(Govt Secy) Sd 14/4
Sd 16/4

(c) Issue
Sd 16/4/36

To,

The Addl Bills
Mr.
Dy. Bills
Cashier.

Secretariat No. 6913-16 dt 20-4-36
according sanction to file a separate suit.

Suit to
amend
plaint
22/4/36

GENERAL & REVENUE SECTT.
APR. 1936
222

OFFICE OF THE FIRST MEMBER BOARD
9 APR. 1936
7423

BOARD'S SECRETARIAT
15 APR. 1936
669

TYPING SECTION
16. APR. 1936
GENL & REV. SECTT.

re Endowment of late Mr. Sama Sundara Mudaliar's
7220

(17)

General and Revenue Secretariat — Law File No. 68 of 1933. [App. F. III—2

Serial No.

From,

The Mun. Comm.

No 6c 150/3220 d 11.5.36 forwarding for appl. the draft plaint in the proposed suit for recovering the amount bequeathed by the late Mr. Sama Sundara Mudr and Soliciting sanction of Govt for meeting the expenses of the suit from the closing balance of the General Mun. Fund subject to adjustment in due course.

Ref: paras 47-48 supra.

The dft plaint is subd for approval. The Govt. says that the Mr. Case has been posted to 29th inst and that the present suit has to be filed within that date so that claimant may not draw the amount of Compensation from Govt. Details of the cost for filing the suit is furnished by the Govt. A sum of Rs 250/- has been included as advocate fee which has to be paid only after the suit is closed. Sanction may therefore be accorded to incur an Expenditure of Rs 36 only and not Rs 6 11-0 as stated by the Govt.

Subd for orders.

TSD 26/5

Where is the copy of the will? Please flag it also other papers in the plaint.

PSP 26/5

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

Endorsement of Case Mr. Sarma Sundara Sarma

7200

(18

Law File No. 68 of 1933. General and Revenue Secretariat

The Copy of the will is not traceable in the records rec'd but it is mentioned in the Chowdry. (vide 5). The other references in the plaint are flagged. Let a dft calling for a Copy of the will.

TSD 27/5

Sd) Issue today & resubmit
PRP 27/5

To,

The M.C.

No. P. 7502 dt 27.5.36 Calling for a Copy of the will.

Rc'd

TSD 28/5

Sd) Issue the D.O today & send it by a messenger for delivery in time. PRP 28/5

TYPING SECTION
27. MAY 1936
GENL & REV. SECTT.

TYPING SECTION
28. MAY 1936
GENL & REV. SECTT.

To,

The D.M. Bilaa

D.O. No. P. 7524 dt 28.5.36 instructing him to see that the parties do not draw away the Compensation amount

Sus A 29/5

Judgment of Hon. Mr. Sundaramoodar

7353

(19

General and Revenue Secretariat — File No. 6/8 of 1935 — [App. F. III—2

Serial No.

From,

The Govt. Pleader

no. 1103/35-36 dt 29.5.36 forwarding a copy of the will executed by late Mr. Sundaramoodar.

Mis. Case pleads Posted for 12.6.36

1) Submit for orders vide reg. to para 52-53 Supm

JSD 2/6

2) In the will one Mr. Sundaram is appointed as executor & he is also a legatee. Please enquire the Pr why he is not made a defendant. He appears to me to be a necessary party.

JSD 3/6.

3) Dft Sumt accordingly

JSD 3/6

4) Issue

JSD 3/6

Issued no. 8071 dt 4.6.36.

Sup A 5/6

6) Dft R: [illegible]

JSD 10/6

6) Issue

JSD 10/6

Rept rec'd

JSD 10/6

NOTE—Contn. Sheet.

TYPING SECTION, 4 JUN. 1936 GENL & REVENUE SECTT.

Endowment of the late Mr. Rama Sundara Mudaliar

Low File No. 66 of 1935 General and Revenue Secretariat

From

The Govt. Pleader

no. 1362 / 25936 dt 8.6.36 stating that the name of Mr. Sundaram Iyer has probably been omitted and that it will be included in the fair plaint

(2) Submitted for orders with reference to para 5 supra

15/10/6

(3) The draft plaint in para 4 says that the Pltff is appointed in the will to collect the amount bequeathed to the temple. This does not seem to be correct, since a sole executor is appointed to carry out the bequests. Has a notice been issued to the executor? If so what reply has been received? Please enquire the PPr. The Off plaint & reports may also be returned for the reference 1876

Submitted accordingly

(5) Issue

11/6

Issued no. G. 8210 dt 12.6.36

Sen A
15/6/36

Endowment of late Mr. Sundaramodaliar

1639/21

General and Revenue Secretariat. Law File No. 68 of 1935. [App. F. III-2

From,

11 The Pr. Dr Law

no. 1308/35-36 d 15.6.36 forwarding a letter recd from Mr A. Sundaram Iyer and suggesting ~~action~~ to file a Suit as the Executor is not able to take proceedings.

'2' 65) The Executor has expressed his inability to apply ~~action~~ for administration ~~of~~ of the estate of the late Mr. Sundaramodaliar. He has requested the Pr to file a suit for the same. Submit for orders ~~in~~ re ref^q to para 63 Supra

ISD 17/6

66) Please request the Pr to discuss this case with me.

PRL 17/6

67) Dft D.O. pmcp

ISD 17/6

68) Issue

PRL 17/6

Issued no. P. 5468 d 19.6.36

TYPING SECTION 18 JUN. 1936 REV. SECTT.

Sw A Jun 19/6 (19.6.36)

69) I have discussed this case with the Pr. He has now revised para 4 of the plaint, ~~It is the~~ indicating why the Executor is added as a defdt in the case. The plaint is all right and may be approved

Sanction may also be given to

NOTE—Contn. Sheet.

Endorsement of Law Min. Syndicate Amod[n]
1939

File No. 68 of 1935 — General and Revenue Secretariat

meet the expenses of the suit, excluding the advocate's fee, from the closing balance of the Gen' Mun' Fund as recommended by the M.C in his letter of 22 May 1936.

Gen Secy)) Yes
pol 30/6

Sw
47

7) Dft
pol
3/7

8) Dft S.a suit for apptt
ISD
3/7

9) Issue
pol
3/7

To,

The Mun. Commr
for Bl'lore
Comptroller
Do Bl'lore

- S.O. no. P. 161-4 d 4.7.36 sanctioning as proposed.

TYPING SECTION
3. JUL. 1936
GENL & REV. SECTT.

From

The P. Pr + B Hore

Letter no. 201/36-37, dated 29-7-36 forwarding a copy of plaint filed in the above case.

Suit C
9/7/36

Suit C
5-8-36

14) Subd - for perusal.
4/8
H.I.K.

2nd) N.R.
5/8

2nd)

7822/4787
6/5 36 (23

General and Revenue Secretariat

Law File No. 68 of 1936 [App. F. III—2

Serial No.

From

The P. Pr.

B'lore

Letter no 1622-23/36-7, dated 5-2-37 states that the High Court has retransferred this case to the Second Addl. Sub-Judge B'lore and that difficulties - legal and probative - are likely to arise - and requests that the Opinion of the G.A may be obtained in the matter

Please see P.P's letter of 30-9-36 & write

Letter is not received on the file from the Dy.

1/2

75) The G.A. may perhaps be asked to furnish his Opinion

Ed 19/2/37.

76) The letters referred by the P.Pr. merely relate to the doubt he had about the maintainability of the application that was filed again in the 2nd Subordinate Judge's Court. As suggested again, a suit has later on been filed in the District Judge's Court. As such it is difficult to understand what he means it is difficult to understand and when he makes a reference of the legal and probative difficulties that are likely to arise hereafter please ask the P.Pr to make his point clear before the G.A can be asked to give his advice in the matter.

BNR 22.2.37

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Law File No. 68 of 1937

General and Revenue Secretariat

Serial No.

77) Subd with a dft for approval

78) Done BKR 23-2-37

Issued no P. 5466 dy 24-3-37

TYPING SECT. 24 FEB 1937 GENL REV SEC

From

The P. P.

B'lore

Letter no 1772/36-7, dy 9-3-37

States the main difficulties raised by him, and requests that some one be directed to instruct him about the evidence to be let in under Sec: 31 of the L. Acqn Act.

79 Refer paras 76 supra.

G. A. may perhaps be consulted.

Hy: Date 17-3-37

10/3 Arrange The mag. Comm will be requested [to depute an official] to give necessary help & instructions to the PP

BKR 12-3-37

(Gen Secy) 81) Yes (Copy of the P.P.'s letter may be sent confidentially to the M.C.)

13/3/37.

GENERAL SECT.

82) Draft BKR 13-3-37

Hy: Date 17-3-37

83) Subd with a dft for approval.

13/3

84) Done Today BKR 13-3-37

No P 5462, dy 13-3-37 to Mag: Comm I Class B'lore

5463, dy

O. S. 5/36-37 Dt. Ct. B'lore
(Govt vs V. B. Ramachandran & others) (25
(Mis 157/31-32).

General and Revenue Secretariat | File No. Laws 68 of 1937. | [App. F. III—2

Serial No.

From
The P. P. A.
B'lore

Letter no 23/37-38, dy 20-9-37
States that if the Compensation amount is allowed to be paid, there will be nothing in O. S. 5/36-37 to administer, and seeks instructions.

85) The P. Pr details in P. U. the circumstances of the Case, and states that Mr V. B. Ramachandran has filed a Miscellaneous Application (No 157/31-32) for payment of the Compensation amount. The P. Pr is of opinion that if the amount is allowed to be paid, there will be nothing in O. S. no 5/36-37 to administer, and seeks instructions in the matter.

Submitted for orders.

VB
21/9

86) In his letter, the P Pr says that decision in Mis 15 of 36-37 was intimated by letter no 162 of 37-38 dated 26-7-37. Has such intimation been given to Govt? If so, where is the letter? Has a copy of the order in that case been sent to Govt by him?

BKR
24-9-37

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9 36

O. S. 57/36-37 Dt. Ct. B'lore 1862 (2b)
(Govt. vs V. B. Ramachandran)

File No. Law 68 of 1933. General and Revenue Secretariat

Serial No.

87) The P. P's letter no. 162/37-38, dated 26-7-37 is flagged T. The copy of the order passed in this 15/36-37 has not been received, for orders if the same may be called for.

88) please ask the Public Prosecutor to intimate the date of disposal of this 15 of 36-37), and also ask him if as required in Rule 103, he has sent a copy of the judgment to the Reg Commr with his opinion regarding the advisability or otherwise of filing an appeal. If the copy of the judgment has not been sent to the Reg Commr, please ask the PP to obtain a copy at once and send it for in forwarding the Govt

BKR 24/9

89) Subd with a dft. for approval.

24/9

90) Dftd ~~to-day~~ BKR 24.9

Attached No P. 1756, of 24-9-37

Sec B (27-9-37)
24-9-37

O.S. 57/36-37 Dt. Ct. B'lore 1977 (27

(Govt. Vs. V. B. Ramachandran & others)

General and Revenue Secretariat | File No. Law 68 of 1933. | [App. F. III—2

Serial No.

From

The P. P.

B'lore

Letter no. 591/37-38, dy 25-9-37

Forwards a copy of the order passed in Mis 15/36-37 on the file of the IIIrd Addl. Sub-Judge, B'lore ~~and~~

From

The P. P.

B'lore

Letter no. 588-90/37-38, dy 25-9-37

States that he opposed the applns in Mis 15/36-37 filed for drawing out the money awarded in that case, and requests instructions.

9) P.U.D. I and II are submitted for perusal & orders.

25/9

9) The copy of proceedings is not accompanied by list of witnesses examined, and documents exhibited in the case. Please ask for the same, as also the copy of the last 2 claimants' objection statements in Mis 15/36-37, and the copies of written statements and the reply in O.S. 57/36-37.

BKR 26.9.37

9) Submit with a dft. approval

27/9

94) Issue to-day

BKR 27/9

Issued no. P. 1813, dy 27-9-37

WD 0281—GPB—30,000—13-8-37

NOTE—Contn. Sheet.

TYPING BR 7. SEP 1937 GENL & REV SECTT.

Sub B (1-10-37) 28-9-37

O. S. 5/36-37 Dt. Ct. B Core 2072 Vo

(Mis 15/36-37 II Addl Dt Jd B Core)

V. B. Ramachandran Vs city Mitty, B Core

Law File No. 68 of 1933. General and Revenue Secretariat

From

The P. P.

B'lore

Letter No. 703/37-38, dated 28-9-37

Forwards all the relevant papers on the subject now available in his office.

95) The papers received from the P. P. are submitted for perusal and orders.

96) In his letter of 20.9.37, the PP sets out the circumstances relating to the two cases viz: Mis 15 of 36.37 (on the file of the Additional Sessions Judge) and O.S. 5/36.37 (on the file of the District Judge). He says that Mis 15 of 36.37 was decided against Government, and that as a consequence the 1st defendant in O.S. 5 of 36.37 is contending that the said suit should be dismissed, as there is no estate to be administered; and he solicits instructions.

97) Two important questions in the case were (i) whether the property acquired by Govt belonged to Sama Sundara Mudaliar and (ii) whether the will alleged

Flag W

Serial No.

to have been executed by Somasundara Modaliar, was really executed by him. The Land Acquisition Court has answered both the questions in the negative, and has held that the property belonged to Balu Modaliar and has ordered the compensation amount to be paid to Balu Modaliar's representatives. As the right of Soma Sundara Modaliar to the compensation amount has been negatived, the trial of Qs. 5 of 36-37 becomes unnecessary, as there is no estate of the deceased requiring to be administered. In this connection I may refer to the observations of the High Court in C.R.P. 161 of 36-37 that "the main issue in the Land Acquisition case is — which of the two original claimants, viz. Balu Modaliar and Soma Sundaram Modaliar, is better entitled to the amount. If the decision is in favour of Balu Modaliar, then the trial of Qs. 5 of 36-37 becomes unnecessary as it is only in the event of the deceased Somasundara Modaliar being held entitled to the amount awarded that the question as to how that amount has to be distributed among his several legal representatives will arise. Even then it is the Land Acquisition Court that should decide that question as it has power to deal with all

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-5-37

questions the decision of which is necessary to enable it to pass orders as to the disposal of the money, "including questions arising as to who was the proper heir of a claimant who had died after the deposit of the money in Court"

98) As I have already remarked the Land Acquisition Court has given a finding on both the points adversely to Govt, and if those findings are not challenged before a Court of appeal, the natural consequence would be that the trial of O.S. 5/36-37 becomes unnecessary and the suit would have to be dismissed.

99) Necessary action should have been taken, as soon as this 15/36-37 was disposed of, as provided in Rule 103 of the Rules relating to Legal Affairs of Govt. No such action seems to have been taken. There is however sufficient time to take the decision in appeal, if the Case is considered a fit one for appeal.

100) The question therefore is whether this is a fit case for appeal.

Serial No.

The property that was acquired originally belonged to Soma Sundara Modaliar. But Balu Modaliar relies for his title on a sale effected by Somasundara Modaliar in his favour as far back as 1907, under a registered sale deed (Ex D) and claims title in possession since then. On the other hand Soma Sundaram Modaliar admits the execution of the sale deed but contends that it was nominal and not supported by consideration and that in spite of executing it, he has remained in possession all along. The burden of proving the nominal nature of sale deed lay very heavily on Soma Sundaram Modaliar's representatives. I cannot say the burden has not been discharged at all. The probabilities of the case are also mostly in favour of Balu Modaliar's contention. The sale deed is produced from his custody; the consideration for the sale deed is satisfactorily proved and all the Patchala documents are also produced from the custody of Balu Modaliar. The municipal tax has also been paid by Balu Modaliar as evidenced by Exs A and A1 receipts. Further Somasundara Modaliar's contention is that this sale deed Ex D and another sale deed Ex C executed by him in favour of Balu Modaliar are both

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

nominal ; but it is significant that in respect of acquisition of properties mentioned in Ex C 1 to 5, it is Balu Modaliar that has admittedly received the Compensation amount. This circumstance shows the hollowness of the contention of Somasundara Modaliar that the sale deed is nominal.

101) The evidence regarding the alleged execution of will by Somasundara Modaliar is highly unsatisfactory. The original will is not forthcoming. It is said to have been given by 2nd claimant's 5th witness Sundaram Iyer to Arunachala Modaliar on a requisition from the latter. Strangely enough, the letter of requisition from Arunachala Modaliar is also not forthcoming and is said to be missing. Arunachala Modaliar has been examined in court, and it is significant that not a question has been put to him about the alleged will of Somasundara Modaliar. The will is said to have been got by drafted by Mr Lakshminarayana Advocate, and got typed in Sowcar Narasimhulu's house and attested by Narasimhulu and Rajoo Modaliar. Neither Mr Lakshminarayana

Serial No.

nor the attestor Rajeo Modaliar has been examined in the case. Also two witnesses who speak about the will, viz. 4th witness Gunadasa and 6th witness Sabhapathi Modaliar admit that they were not present when the will was executed by Somasundara Modaliar 5th witness Sundaram Iyer is a legatee under the alleged will and he admits having taken a leading part in getting the draft and getting it typed. He is thus naturally interested in supporting the will. The evidence of the attestor Narasimhulu does not in fact appear as being truthful and the learned Public Prosecutor has rightly not attached any importance to his evidence

102) On a careful consideration of these circumstances and the probabilities of the case, it seems to me that this is not a fit case for filing an appeal before the High Court.

103) If approved, the Government Advocate will also be consulted

104) Yes, pro. 7/10. BKR 5-10-37

Gen. Secy

No. P 4837 dated 7th October 1937.

105) Forwarded, with compliments, to the Government Advocate, for favour of advice

BO.

BK Ramakrishnayya

for Gen. Secy

7-10-37

GENERAL SE 7 OCT. 19.. 200

7. No. 281/37 of 7.10.37

NOTE—Contra Sheet.

WD 0281—GPB—30,000—13-5-37

(10b) returned with compliments.

I agree with the Assistant Secretary (Law) that there is no use in filing the appeal, not because the appeal may not be maintainable against the order of the learned Land Acquisition Judge but because on merits it has no substance.

2. Two questions arise for consideration:-

(a) Whether the Sale Deed executed by the second claimant under whom the Muzrai Commissioner claims the property as a Legatee ~~executed~~ was a real and effective sale deed in favour of claimant No.1 or

(b) Whether he was really shamming when he executed that document which is the case for the Muzrai Commissioner who adopted the written statement of claimant No.2. That statement amongst other things mentioned that the document was executed in order that the properties might be screened from the creditors who had to get their just dues from him and that therefore it was not intended to be a real document. This plea has got merely to be stated to show that it is highly immoral and no Court would countenance it even ~~fix~~ if it were true and that is the plea in effect which has been adopted by the Legatee.

3. The document has been acted upon for a long series of years. Possession has been parted with in favour of claimant, Kandayam was being paid by him and documents of title had been handed over to his custody. With reference to any ordinary

sale

H.D. 53/37-38

Serial No.

sale deed executed in normal circumstances no better evidence of its bona fides can be had than are - available in this case.

4. If the contention of the 2nd claimant should fail on this point viz., that the registered document was a hoax to prevent his creditors from reaching the property covered by that document, then there is really no need to go into the next question (6) whether the 2nd claimant did dispose of the properties by a testamentary document relied on by the Muzrai Commissioner. The learned Judge has been pleased to go into that question in great detail even though his decision on the 1st question was enough to dispose of the entire case and his judgment is if one can say so with - respect, as exhaustive on this point as it is on the first plea regarding the real nature of the registered sale deed executed by the 2nd claimant in favour of the first. The best available evidence is not - forthcoming, namely, the will itself. It was said to have been prepared by an Advocate who has not been called in as a witness. All the attestors have not been examined and even as regards the custody of the document different versions are given and nobody has ventured to come out with the original document which is the usual thing when such untenable pleas are put forward. The evidence is altogether insufficient to prove the bequests in a Will when the original itself or a duly certified copy of it is not available to Court.

5.

NOTE—Contn. Sheet.

WD 0281—GPB—30,000—13-8-37

5. I should think no further expenditure on behalf of the Government should be incurred in a highly speculative litigation of this sort.

6. A suit for administration of the properties under this Will, the original of which is yet not forthcoming, inspite of a full fledged trial in the Land Acquisition Court, was filed in the District Judge's Court, Bangalore. Personally I should have thought that the suit was not necessary, because the same question in the suit then could have been and as a matter of fact was ultimately decided in the Land Acquisition Proceedings and after some discussion, the Government were pleased to accord sanction to the institution of the suit. As the situation now stands, if the Government should be pleased to think that the appeal against the decision of the Land Acquisition Court need not be filed then that decision will be res-judicata in the original suit in the District Court, and therefore there will be no option but to allow that suit to be dismissed. If that be so, the only point for consideration will be how best to avoid the liability for the costs of that case.

7. So far as the Government are concerned, ~~that~~ They have already paid the institution fee and I think no further expenditure might have been incurred in the way of batta of witnesses etc., So far as the Defendant is concerned the only expenditure which he might have incurred may be payment of fees to his counsel, which in all probability will not have been made in full,

for the

O.S. 57/36-37 of Ct. 2072 8/1937 (37)
(Govt. vs V.B. Ramachandran & others
(MS 105/31-32)

Serial No.

for the work turned out by the Defendant's Advocate in the District Court would be nothing more than filing a written statement opposing the administration; that written statement being merely a repetition of what was pleaded by him in the Land Acquisition Court, so that in effect the output in the District Court on behalf of the Defendant practically comes to nothing, and the Court's time would not also have been unnecessarily occupied, because, beyond framing the issues nothing more would have been done in this case.

8. If what all that is stated above be correct, may I take the liberty of suggesting that it may be represented in the District Court on behalf of the Muzrai Commissioner that in the circumstances in which the Muzrai Commissioner allows the suit to be dismissed, the Court may be pleased not to mulct him with costs payable to the Defendant. The order to be proposed perhaps will be that the suit may be dismissed, each party bearing his own costs. That will save the Muzrai Commissioner a fairly decent sum, which will otherwise have to be paid to the Defendant.

Government Advocate.

CSN/9.10.37

Law Secy
17/10

Hq dated 25th Oct: 37.

NOTE—Contn. Sheet.

107) Reference Paras 102, 103 & 104
BKR
17.10

Gen. Secy)

WD 0284—GPB—30,000—13-8-37

O.S. 5/36-37 Dt. ct. O/Ga — 272

(Govt vs V. B. Ramachandran)

Min 105/31-32

Law File No. 68 of 1937. General and Revenue Secretariat

For perusal.

108) The Asst Secy Law and the Govt Advocate are both of the view that there is no case for appeal. This view may be accepted.

109) It will then follow that the original suit in the Dist Court should be allowed to be dismissed. Instructions may issue in this matter also. As representations regarding costs may also be made, as suggested in the last paragraph of the Govt Advocate's note

Min 21/10/37.

OFFICE OF THE FIRST MEMBER OF COURT
OCT 22 1937
No. 2277

First Member

111) I had a further note put up.

BKR 21.10.37

Hg. date 25th Oct. 37

112) I agree

SR 23/10

The P.P. has been requested to obtain an adjt. till the end of the month.

23/10

113) Draft

BKR 23.10.37

TYPING SECTION
29 OCT. 1937
GEN. SECRETARIAT

114) Submit with a dft. for approval.

27/10

dstm BKR 29.10

Attached No. P. 2215, dt 29-10-37

Serial No.

Brief Mr.

119) ① Certain properties in Fort, Bangalore were acquired and a Sum of Rs 24,500/- and odd was awarded as Compensation. There were two claimants for the land viz. Balva Modaliar and Soma Sundara Modaliar and the case was therefore referred from District Court for disposal under Section 31, Land Acquisition Regulation. The Case was transferred from 2nd Additional Subordinate Judge's Court for disposal. Each of the claimants filed a written Statement claiming the entire Compensation amount for himself. During the proceedings, both the claimants died and their legal representatives were brought on record. It transpired at one stage that Soma Sundaram Modaliar had left a will according to which a Sum of Rs 5000/- out of the Compensation amount had been bequeathed to Jalakanteswara Swami Temple. Coming to know of this, the Muzrai Commissioner applied to the Court of the 2nd Addl. Subordinate Judge, to be made a party as a legal representative of the deceased Soma Sundara Modaliar and to urge his claim in respect of Rs 5000/- bequeathed to the Temple. His application was granted as he was brought on record.

② In the meantime, it was

NOTE—Contn. Sheet.

Serial No.

'nsidered advisable to file an
dministrative suit in the District
ntf's Court regarding the administra-
the estate of Soma Sundara Modaliar
nd a suit was accordingly filed
y the Mng. Commr. The claim of
the Mng. Commr on behalf of the
Temple was resisted by Baboo
Modaliar's representatives in both the
Courts. So far as the claim on behalf
of the Temple was concerned, the points
for decision in both the Courts were
the same. Now the case in
the 2nd Additional Subordinate
ntf's Court has been disposed of.
It was held there that Soma-
sundara Modaliar was not the
owner of the property acquired and
was not therefore entitled to the
compensation amount, and that
the will alleged to have been executed
by him is not also proved.
On an examination of the evidence
adduced in the case, it is found
that the findings of the learned
Addl Subordinate Judge are correct
and that this is not a fit case
for filing an appeal.

(3) If this view is

Serial No.

upheld, it follows that the decision of the Land Acquisition Court will be res-judicata in the original suit in the District Court and that the trial of the latter case becomes unnecessary and the suit has to be allowed to be dismissed.

④ Orders are now to be passed on the opinion expressed by me (and agreed to by the Govt Advocate) that this is not a fit case for filing an appeal before the High Court.

BNR
23-10-37

O. S. 57/36-37 of C. B'lore
(Govt vs V. B. Ramachandran & others)

General and Revenue Secretariat

File No. Laws 68 of 1933

Serial No.

From

The Muz: Comm

Letter no. P.C. 150/32-33, dt. 3-6-38

Forwards for the information of Govt certified copy of the judgment and decree in the case, and requests in the circumstances stated, sanction of Govt to advance (remuneration) meet the bill of the P.Pr for Rs 139/= from the allotment made in the current year's Gen: Muz: Fund Budget, subject to recoupment from the temple funds in due course.

(1) O.S. No. 57/36-37 was a suit filed by the Govt praying for a decree for payment of a sum of Rs 5000/= said to have been bequeathed to a certain temple in (the) fort, Bangalore city by the last will said to have been executed by one Somasundara Mdr, who was one of the claimants for the compensation amount awarded for the land in fort for erecting the Maternity Hospital. For the reasons set forth in the judgment, the learned judge has dismissed the suit with a direction that each party shall bear his own costs. Such an order was in pursuance

Serial No.

of the move by the P. Pr. B'lore who was duly instructed to do so as per orders in paras 108 to 112 supra. The copy of the judgment (Flag K) is submitted for perusal.

112) The Mercy. Commr. has also forwarded a bill for Rs 139/= (Flag I) being the remuneration of the P. Pr., B'lore for services rendered in the case in doing so he requests, in the circumstances stated, sanction of Govt. to meet the bill from the allotment made in the current year's General Mercy Fund Budget subject to recoupment from the temple funds in due course. The proposal may perhaps be sanctioned.

Submitted for orders.

9/6

113) In his bill the P Pr claims Rs 7-8-0 on account of summons to witnesses and batta paid to them. This seems to be due to a mistake. The case did not probably reach the stage of evidence. (See the underlined portion on page 18 of the order). As shown in the memo of costs, the amount seems to have been spent for processes to the various defendants in the case.

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

O. S. 5/36-37 St. Ct. Bdom
(Govt. vs Ramachandran & others)

File No. Laws 68 of 1933. General and Revenue Secretariat

Serial No.

114) Normaley speaking, the fee of Rs 125/- claimed by Pr. could be a fair remuneration. But in view of the peculiarly unfortunate circumstances of this case, it is a matter for consideration, if the Pr's fee cannot be reduced. It may also be added that it is clear from the Munz Commr's letter, that the Institution is not in a position to meet the charges.

BKR 13.7

Gen. Secy)

GENERAL SECRETARY 13 JULY 1933 366

Rs 125 is taxed costs of the Court It is reasonable & maybe paid. Legal charges are incidental & have to be met It does not appear to be fair to cut the lawyer's fee lower than that taxed by the Court. The Bill may be passed. As suggested by the M. C. it may be advanced & recouped subsequently

(1st Member) G 13/7

BKR 14/7

BKR

OFFICE OF THE FIRST MEMBER OF COUNCIL JUL 15 1933 No 512

19/7

G 19/7

Draft BKR 19/7

715 O. S. 5/36-37 of ct. Madras (Govt vs V. B. Ramachandran + others) (45

General and Revenue Secretariat

File No. 68 of 1933 [App. F. III–2

Serial No.	
	Subd with a draft G. O. for approval.
	27/7
	Secy BKA 27-7
	G. O. no P. 673-4, dd 1-8-38

PING SECTION ... STT.

B 9-8-38

NOTE—Contn. Sheet.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 5806 Dated, Bangalore, 4th May 1933.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,

Bangalore.

Sir,

In inviting reference to your letter No.767 dated 22nd March 1933 addressed to the Deputy Commissioner, - Bangalore re: the recovery of the endowment said to have made by one Mr.Soma Sundara Modaliar for the benefit of the Sree Jalakanteswara Swamy temple at Fort, Bangalore City, I am directed to enquire why the Muzrai Commissioner, cannot be a claimant in the Land Acquisition Case Mis.65/31-32 on the file of the District Court, Bangalore, and why it is necessary to file a separate suit in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government

(2

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue 5-5-33

Signed by Mr N.R.J Rao

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. Jmeorals

To ~~D 5806~~ The PBr. B'lore

Sir,

I am ~~directed~~ to invite reference to your letter no. 763 dated 22nd March 1933 addressed to the DC B'lore re the vacancy of the endowment ~~allowance of Rs 1000~~ said to have been made by one Mr. Seena Sundaramudaliar for the benefit of the Sree Jalakanteswara Swamy temple at Jnn, B'lore city. I am directed ~~to~~ to enquire why the Mys. Govt cannot be a claimant in the land acquisition Case Mis 55/31-32 on the file of the Dist. Ct. B'lore, and why it is necessary to file a separate suit in the matter.

I have etc

5/5

5/5 for Secretary

No. 1149/33-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 23rd August 193 3.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To No

The General Secretary to the Government of H.H:
the Maharaja of Mysore, Bangalore.

SIR,

With reference to your letter No.P.885 of the 22nd instant, in the matter of the endowment of the late Mr. Soma-sundara Mudaliar to the Sri Jalakanteswaraswami temple, I have the honour to state that I am filing an application in the case before the District Judge, Bangalore, to be brought on record.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

K.H.R.

(4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 5th September 1933.

No. 3024 Mis 3

From

The Financial *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner

in Mysore, Bangalore.

Sir, Subject.- Re: endowment of Rs. 6,000/- said to have been made by one Mr.Somasundara Mudaliar for the benefit of Sri Jalakanteswara Swami temple at Fort Bangalore City.

With reference to your letter No.P.C. 150/32-33 dated 18th April 1933 on the above subject addressed to the General Secretary, I am directed to forward herewith for your information copy of letter No.P.5806 dated 5th May 1933 addressed to the Public Prosecutor Bangalore Division and of letters No. 933/32-33 dated 29th May 1933 and 149/33-34 dated 23rd August 1933 received in reply thereto.

I have the honor to be,

Sir,

Your most obedient servant,

For Financial Secretary to Govt.

c.n.

(5

Appendix F G—1]

SUBJECT .....

.....

.....

Section Income.

File No.

Serial No.

Diary No. of letter replied to.....

No. 3074 Inc 3

To

The M.C

Subject:— Re: endowment of Rs 6000/- said to have been made by one Mrs Samasundara Mudaliar for the benefit of Sri Talakaneswara Swamy Temple at Tore Bangalore City

Sir,

With reference to your letter No P.C. 150/32-33 dt 18/4/33 addressed to the Chief Sec. on the above subject, I am directed to forward herewith for your information a copy of letter no P 5806 dt 5-5-33 addressed to the P.P. Bangalore District by the Tahsildar of Chickballapur and to request that you will please move the Tahsildar to furnish the information called for in the said letter.

I have etc.

31/8

for Secy

General and Revenue Secretariat

( )

the *193*

Date of issue 6/9/33

Signed by B. Muddukrishnappa

× Z.

List of enclosures.....

× Y

Copied by.....

× W.

Examined by.....

WD 0253—GPB—15,000—26-8-32

29/8

1266/P/33-34

D. O. No. 13/33-34

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 5th September 193 3.

Refer pnl 6/9

Dear Mr. N.R. Jaya Rao,

I am sending to day for the approval of Government a petition to be filed in His.case No.65/31-32 Before the District Judge, Bangalore. There is authority in our favour in 25.A.133. But it may be argued ~~that the court~~ that the court in hearing a reference cannot go into any question raised for the first time by a party who has not referred any question or objection to it under sections 18 of the Regulation(which deals inter alia with objections as to the persons to whom compensation is payable or the apportionment of the compensation among the persons interested)

If the latter view were to prevail we may have to file a suit and that within the time prescribed by law. The land acquisition proceedings may not be closed early.

Kindly let me have your views in this matter. If necessary I shall meet you some day this week. Taking all aspects of the case don't you think a suit would be better?

Yours sincerely,

D Doraiswamy Ay

(7)

No. 182/33-34

Enc. : file.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 30th August 1933.
5th September

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

128/P 33
Lacw 68-33-1

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

GENERAL SECRETARIAT
6 SEP 1933
No.

SIR,

I have the honour to send herewith a petition to be filed in his case No.65/31-32 on the file of the District Judge, Bangalore, regarding the recovery of the endowment said to have made by one Mr. Soma Sundara Modaliar for the benefit of the Sree Jalakanteswara Swamy temple at Fort, Bangalore City, for approval of Government. The connected records are sent herewith for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

S. Doraswamy Iyer
Public Prosecutor.

K.H.R.

7/9/33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(8

Dated, Bangalore, 10th October 193 3.

No. P 1607.
Sec 15.

From 2 12 mine encls.
Section 12.10.33.

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division, Bangalore.

Sir,

Reference.- Your letter No.182/dated 5/9/33.

In returning herewith duly approved the petition proposed to be filed in Mis. Case No.65/31-32 on the file of the District Judge, Bangalore, regarding the recovery of the endowment made by one Mr. Somasundaram Mudaliar, I am directed to state that it would be safer to file the application in the Misc. case itself so that the court may know who are entitled to the compensation in question.

If the court refuses to apportion the amount among the different claimants, the amount that has been bequeathed to the temple may be recovered by filing a suit in time.

The records received with your letter under reference are returned herewith.

I have the honour to be,

Sir,

Your most obedient servant

ml

For General Secretary to Gov[t]

TSD

vvk.2.

(9

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 68-33

Serial No. 2

Diary No. of letter replied to .....

No. P1607. Sue 15.

12 Immovable Seal-on 12 10/3

To The pub Prr, B-lore Dn

General and Revenue Secretariat

( )

the *193*

Sir, Reference your letter No 182. 975-1-3.

Date of issue 10-10-33 dd approved In returning herein the petition proposed to be filed in this case no 65 on the file of the Dt. Judge Bangalore, I am directed to state that it would be safer to file the application in the suit case itself so that the Court may know who are entitled to the compensation in question.

If the Court refuses to apportion the amount among the

Signed by Mr. N. R. J.

re the recovery of the endowment-made by one Sonna Sundara Mudaliar

List of enclosures.....

Copied by (3) 10/10

Examined by.....

(10

the different claimants,
the amount that has been
bequeathed to the temple
may be recovered by
filing a suit in time.

The records received with
your letter under reply are
returned herewith

Thanks etc.

May 26/33

For Superintendent

No. 22/150
32-33

1/10/93

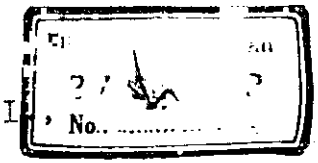
OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE

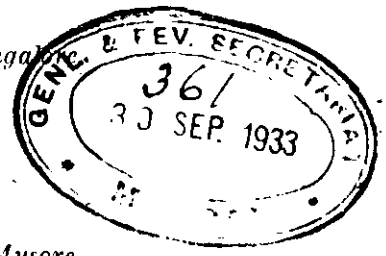
Bangalore, 22nd September..... 193 3.

26

(11

FROM N. Madhava Rau, Esq., B.A., B.L.
SXHIRIANNAIYA,XESQ.,XMA,XBLX
Muzrai Commissioner in Mysore,
Bangalore.





To

A. N. Raghavachar, Esq., M.A.,

Secretary to the Government of His Highness
the Maharaja of Mysore,

F..i..n..a..n..c..i..a..l....*Department.*

SIR,

Endowment of R 6000/- in favour of the Sri Jalakanteswara-swamy temple at Fort, Bangalore City.

With reference to your letter No.304/Muz. dated 5/6th September 1933 on the above subject, I have the honor to request that the records sent with this office letter dated 18th April 1933 to the General Secretary may kindly be returned.

Approved this will be sent to reflection Branch to which the file was returned on 7-9-33.

7/9.

Reflection Branch 8/9/33

I have the honor to be,
Sir,
Your most obedient servant,

for Muzrai Commissioner.

Where is this? 30/9

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1829 Rev 1

Dated, Bangalore, 21st OCTR., 1933.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.R.C.150/32-33 dated the 26th September 1933 in the matter of recovery of the endowment made by one Somasundaram Modaliar, in favour of Sri Jalakanteswaraswami temple, I am directed to state that the entire file of papers received with your letter dated 18th April 1933 has bee sent to the Public Prosecutor, Bangalore, for reference.

A copy of this office letter No.P.1607 dated the 10th October 1933 addressed to the Public Prosecutor, Bangalore, is herewith enclosed for information.

I have the honour to be,

Sir,

Your most obedient servant,

FOR GENERAL SECRETARY TO GOVERNMENT.

v.v.k.2.

(13

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 21/10/33

Signed by Sir M.A.M. Mac

List of enclosures.....

Copied by Enq(2) (L) WD 21/10

Examined by.....

Section

File No.

Serial No.

No. P. 1829/Enq/

To

The Mag. Comm.r

Sir,

With reference to your letter no. Rc 150/32-33 dated 26th Sept 1933 in the matter of recovery of the endowment made by one Sunasendra modeliar in favour of Sri Jala Kantheswara swami temple, I am directed to state that the entire file of papers received with your letter dated 18.10.33 has been sent to the Pub. Works for reference.

A copy of this letter no. P. 1607 dt 10.10.33 addressed to the Pub. Works is however enclosed for information

I have

ISD 16/10

16/10 for Genl Sec

No. 413/263-264

Enc. .....

2981/P 833/14

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 30th November 193 3.

Law 68-33-3

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT 1-DEC.1933 No. 720

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

With reference to your letter No.P.I607 dated the I0th October 33 regarding the endowment of Rs.5000/- made by one late Mr. Somasundra Mudalia I have the honour to state that the will states that the amount should be placed with the Muzrai Secretary to the Government of Mysore. I request instruction on whose behalf the petition has to be filed in this case. The records are sent herwith for reference and return.

Refer Early
MM 1/12/33

I have the honour to be,
Sir,
Your most obedient servant,
G Doraswamy Iyer
Public Prosecutor.

K.H.R.

(15

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2722 Gen/file

Bangalore, Dated, 9 - 12 - 193 3.

12

From

H.V. Ramaswami, Esquire, M.A., B.L.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

G.S. Doraswami Iyer, Esquire, B.A., B.L.,
Public Prosecutor, Bangalore Division, Bangalore.

Sir,

With reference to your letter No. 413/33-34 dated the 30th November 1933 re- the endowment of Mr. Somasundaram Mudaliar to Sri Jalakanteswaraswami Temple, Fort, Bangalore City, I am directed to state that the claim petition may be filed on behalf of the Government of Mysore to be represented by the Muzrai Commissioner in Mysore.

The file of papers received is herewith returned.

I have the honor to be,

S i r ,

Your most obedient servant,

for General Secretary to Government.

P.H.

(16

Appendix F G—1]

SUBJECT .....

.....

.....

Section - Gen

File No. 68-33

Serial No. 4

Diary No. of letter replied to .....

No. J 2722/Gen/file/Mee

To

The PR. Bore

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 12/12/33

with reference to

Your letter no. 413/33-34 dated 30.11.33

Signed by Sen N.R.J Rao

re: the endowment of Mr. Sonna Sundaram Mudaliar to Sri Jalakandeswara Swami temple, Jnr. Bore. I am directed to state that the claim petition may be filed on behalf of the Govt of Mysore represented by the Mys. Commr in Mysore.

List of enclosures .....

The file of papers received is herewith returned.

Copied by .....

9.12.33

Examined by .....

I have the honour to be, Sir, Your most obedient servant

ISO

for Secretary

WD 0677—GPB—5,000—3-11-33

(17

No. 1107
263-34
Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 18th June *193* 4.

GENERAL SECRETARY
20 JUN 1934
FROM

P.6746

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

RE: Mis.case. No.65/3I-32 on the file of the District Judge, Bangalore. (in the matter of the estates of late Mr. Somasundra Mudaliar.)

Encl
Pmk 26/6

I have the honour to state that the Ist claimant in this case has filed an objections statement objecting to the maintainability of the petition and stating that our remedy if any is by way of a suit. I am of opinion that there is considerable force in the objection ~~point~~ as the court cannot go into questions not referred to it by the referring officer under sections I8 of the Land Acquisition Regulation. I await instructions of Government in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

S Doraswamy Iyer
Public Prosecutor.

KHR.

118

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P3956

Dated, Bangalore, 28th June 1934.

29

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division.

Sir,

Mis.65/31-32 on the file of the District Judge, Bangalore.

(in the matter of the estate of late Mr. Somasundara Mudaliar).

S i r,

With reference to your letter No.1107/33-34 dated 18.6.1934, soliciting instructions in the matter of the objection statement filed by the 1st Claimant in the above case, I am directed to state that a decision of the Court may be obtained on the application now filed on behalf of Government, and the result intimated for further action being considered.

I have the honour to be,
S i r,
Your most obedient servant,

for General Secretary to Government.

K.W.R.2/28.6.

(19

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 29/6/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 3956/—

To The Pr. Bore

His. 65/3152 on the file of the Dt. Judge. Bore

(in the matter of the Estate of late Mr. Sama Sundara Modaliar)

Sir,

With reference to your letter no. 1107/3152 d 18.6.34 soliciting instructions in the matter of objection to assessment filed by the 1st claimant in the above Case, I am directed to state that a decision of the Court may be obtained on the application now filed on behalf of Govt. and the result intimated for further action being considered.

WD 0677—GPB—15,000—3-11-33

P.P. 27.6.34 I have etc

for Govt Secy

ISD 28/6

4778 P 33

No. 762 35-36

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 7th February *193* 6.

Law 68-33-5

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARY 11 FEB. 1936

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

Mis.Case.No.65/31-32 on the file of the Additional District Judge, Bangalore. In the matter of the amount bequeathed by the late Mr. Somasundra Mudaliar to the Jalakhantesvaraswami temple at Fort.

I have the honour to state that the above case is likely to take some time before being finally disposed off and I ~~the~~ think that it would be better to file a separate suit for the recovery of the money due to the temple for the reasons already ~~set out~~ stated by me.

I understand that the parties are trying to come to a settlement among themselves, in which case Government is likely to be ~~prejudix~~ prejudicially affected.

I have the honour to be,
Sir,
Your most obedient servant,

Doraswamy Iyr
Public Prosecutor.

KHR.

(21

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th February 1936.

No. PSS 36
Law 68-33

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,

Bangalore.

Sir,

Mis. 65/31-32 on the file of the Additional District Judge, Bangalore. Re. the endowment of Somasundara Mudaliar.

With reference to your letter No.762/35-36 dated 7th February 1936 stating that it would be better to file a separate suit for recovery of the money due to the temple, I am directed to enquire at what stage the above case stands at present, and whether it is not possible to get a decision early on the application filed on behalf of Government. Information may also be furnished when a suit for recovery of the legacy due to the temple would become barred.

I have the honour to be,

Sir,

Your most obedient servant,

pp

for General Secretary to Government.

TSD

Aga/2.

(22

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 19

Date of issue 18/1/36

Signed by

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No. 68-33

Serial No.

No. P 55 3/6

To

The Pvr. B'lore

My 65/31-32 on the file of the

Addl Dr. Judge . B'lore

re: the endowment of some lands in Sadalga

Sir,

With reference to your letter no. 762/35-36 d 7.2.36 praying that a letter to file a separate suit for recovery of the money due to the temple, I am directed to enquire as what stage the above Case stands at present, and whether it is not possible to get a decision early on the application filed on behalf of Govt. & Inspector regarding the legacy due to the temple words

become barred. 19/2 for Sec'y

TSD

15/2

5378 1935

No 342
Enc: 35-36

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 25th February *1936.*

FROM G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To
The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

GENERAL SEC.
28 FEB. 1936

SIR,

RE: Mis. 65/31-32 on the file of the Additional District Judge, Bangalore. RE: the endowment of Somasundara Mudaliar.

With reference to your letter No.P.5536/ Law 68-33 dated the 18th instant, I have the honour to state that the above case has been adjourned to the 20th March 1936 for hearing. The case is not likely to be taken up immediately or in the near future. The other parties are trying to effect a settlement and draw the amount. The court is likely to order that the Government is not a necessary party.

I have the honour to be,
Sir,
Your most obedient servant,

G Doraswamy Iyer
Public Prosecutor,
(Camp Kolar)

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(24

Dated, Bangalore, 6th March 193 6.

No. P6016. 9

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir, His.65/31-32 on the file of the Additional District Judge, Bangalore re: the endowment of Mr.Somasundara Modaliar.

With reference to your letter No.842/35-36 dated 25th February 1936 intimating that the above case is not likely to be taken up immediately or in the near future, I am directed to point out that information as to when a suit for recovery of the legacy due to the temple would become barred, required in this office letter No.P.5536 dated 18-2-1936 has not been furnished.

I have the honour to be,
Sir,
Your most obedient servant,

pml

For General Secretary to Government.

(SD)

(25

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 68-33

Serial No.

No. P6016

To

The Govt. Agent

Mts. Estate on the file of the

Addl. Dist. Judge Kalutara

re: the Endowment of Mr. Sumangala Sundara Modaliar,

Sir,

With reference to your letter no. Kal/Jud/36 dt 25.2.36 intimating that the above case is not likely to be taken up immediately or in the near future I am directed to request that information as to ~~may be furnished~~ when a date for recovery of the legacy due to the Temple would become barred, required in this office letter no. P.5536 dt 18.2.36 has not been furnished.

I have etc

Date of issue 9.3.36

Signed by Asst. S.R.G.

List of enclosures.....

Copied by AWB/3

Examined by.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

WD 03601—GPB—30,000—23-9-35

AWB 3/3 for Govt Agent

5736/35

No. 926/35-36.

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 13th March *1936*

Jan 68-37-6

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

GENERAL SECT... 16 MAR 1936 ... Sir

RE: Mis. case No.65/31-32 on the file of the additional District Judge, Bangalore. Re: the endowment of Mr. Somasundara Mudaliar.

Pol 16/3

With reference to your letter No.P.6016 of the 9th instan. I have the honour to state that a suit can be filed within 12 years from the date when the legacy become payable under art 123 of the Limitation Act. I suggested the filing of a suit early as the money in deposit in court is likely to be drawn out by the original parties to the reference in the event of their compromising matters. If sufficient time is allowed to elapse it may be difficult to recover the money from the persons liable to pay at a distant date.

I have the honour to be,
Sir,
Your most obedient servant,

S Doraswamy Iyer
Public Prosecutor.

RRR.

Subject

Requisitions of the Government of the Madras
the Executive Officer.

Sir,

Correspondence ending with the letter P.926/35-36 dated 13.3.1936, from the Public Prosecutor, Bangalore, stating that the compensation-money in deposit in the Court in the marginally noted land acquisition case may be paid out to the claimants in the event of their settling them dispute out of Court and suggesting in the circumstances the necessity of early action to file a suit to recover the amount by the latter, Commissioner Madras to Sri Kalikambeswari Swami Temple at Port, Bangalore.

Order No. P6913/16 Law 68-33-7

Dated, Bangalore, the 1st April 1936.

Government are advised that the remedy in this case is to file a suit as proposed in the letter read above, action is therefore accordingly to the institution of a suit for recovery of the amount due to Sri Kalikambeswaraswami Temple under the will of the late M. Somasundara Mudaliar

Under Order XXVII Rule 1 and 2 Civil Procedure Code the Mazrai Commissioner is authorised to sign and verify the plaint on behalf of Government. The Public Prosecutor is requested to take necessary further action in accordance with the Rules for the conduct of Legal affairs of Government.

By order,

For Chief Secretary to Government.

To

The Public Prosecutor, Bangalore Division.
" Mazrai Commissioner in Mysore.
" Deputy Commissioner, Bangalore District.
" Controller to Government.

. . . .

Abstracted (25

I. R. S. App. F VI—G 2]

SUBJECT ..... 21/4 .....

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.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section Law

File No. 68-55

Serial No. 7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 20.6.....193 6

Signed by Sd/- M. D. Rao

Mrs. Bossom on the file of the Dy. Com. Bldr.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Read— Correspondence ending with the letter no. 926/35-36 dt 13.3.3 from the Dy. Bldr, stating that the Compensation money in deposit in Court in the land acquisition case originally moved/ is ~~inclined~~ to be paid over to the claimants parties concerned ~~Order thereon.—No~~ in the event of settling their dispute out of Court, ~~compromising matters~~,

and suggesting in the circumstances the necessity of early action to ~~pointed out~~ to file a suit to recover the amount deposited by the late Mr. Sama Sundara Modaliar to Sri Jalakandeshwara Swami temple at Dod. Bldr.

(29

order:- P 6913-16.

~~In the Circumstances~~ ... Govt are advised that the remedy in this case is to file a Suit as proposed ~~by~~ in the letter read above. Sanction is therefore accorded to the institution of a suit for recovery of

~~Hand, sanction is accorded to~~ ~~file a suit for recovery of~~ the ~~balance~~ amount due to Sri Jalakanteswara Swami Temple under the will of ~~from the estate of~~ the late Mr. Somasundara Mudaliar.

Under Order XXVII Rule 1(2) C.P.C. the Mag. Comm^r is authorised to sign and verify the plaint on behalf of Govt. ~~and~~ The Public Prosecutor is requested to take necessary further action in accordance with the Rules for the Conduct of Legal affairs 1956.

Govt 16/4
Gen Secy
15/4
16/4
1956
16/4

List of Enclosure

To,

1) The D.M. Bellary
2) " M.C.
3) " D.C. Bellary
4) " Comptroller

Copy to Mag. Bry

Copied by 17/4/56

Examined by

7106 p 35

No 1145/35-36

Enc .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

30

Bangalore, 18th May *1936*.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
18 MAY 1936

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: In the matter of the estate of late Mr. Somasundara Mudaliar.

Adverting to G.O. No.P.6913-16 Law 68-33-7 dated the 20th April 1936, I have the honour to state that the draft plaint has been prepared and sent to the Muzrai Commissioner for his approval as per Rule No.83 ~~xxx~~ of the Rules for the Conduct of Legal Affairs of Government and after the receipt of the same it will be submitted to Government for their approval.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer
Public Prosecutor.

KHR.

Subj for perusal

Rev. B.R.

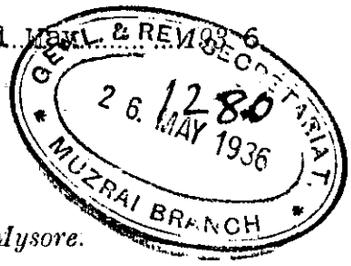
7220 P. (31

M C 13.] No. PC 150 32-3

Enc. Maint & file

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,.....22nd MAY 1936



FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

SIR,

Re. proposed suit for recovering the amount bequeathed by the late Mr. Somasundara Mudaliar to Sri Jalakanteswara Swami at Fort, Bangalore.

Adverting to G.O.No.P.6913-16/Legis.68-33-7 dated the 17/20th April 1936 according sanction for instituting the above suit, I have the honor to forward herewith the draft plaint received with the Public Prosecutor's letter No.1144/35-36 dated 18th May 1936 (copy enclosed), and to request that approval thereto may kindly be communicated at a very early date as it is reported that the plaint has to be filed before the 29th instant. Sanction of Government may also be obtained for meeting the expenses of the suit in the first instance from the closing balance of the General Muzrai Fund, subject to adjustment in due course, as there is not sufficient cash balance at the credit of the temple.

The Amildar, Bangalore Taluk, has been directed to furnish direct to the Public Prosecutor, the date of death of Somasundara Mudaliar and the correct address of the defendants.

The file of vernacular records on the subject is sent herewith.

I have the honor to be,

Sir,

Your most obedient servant,

M. V. Ananthan.

Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters)

(32

Letter No.1144/35-36 dated 18-5-36 from the Public Prosecutor, Bangalore Division, to the Muzrai Commissioner in Mysore.

Re. in the matter of the estate of late Mr. Somasundara Mudaliar.

With reference to your letter No.P.C.150/32-3 dated the 23rd April 1936 I have the honor to send herewith the draft plaint in the above case for your approval and return as per Rule No.83 of the Rules for the Conduct of Legal Affairs of Government for submitting the same to Government for their approval.

The exact date of death of Mr. Somasundara Mudaliar together with the exact addresses of the defendants may kindly be furnished. The connected Mis. case is posted to the 29th instant and the suit has to be filed within that date so that the claimants may not draw the amount of compensation from the court. The connected records are sent herewith for your reference and return. I append below the bill of cost for filing the suit.

	Rs a p
Stamp on plaint	350-0-0
" vakalath	0-8-0
" summons to defendants (roughly)	10-0-0
Engrossing of plaint, copying charges etc.	2-0-0
Advocate's fee	250-0-0
	612-8-0

"COPY"

M. N. Anantharam

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE (33)

General and Revenue Secretariat

No. P 7902 — Dated, Bangalore, 27th May 1936.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Huzrai Commissioner
in Mysore, Bangalore.

Sir,

With reference to your letter No.P.C.150/32-33 dated 22nd May 1936 forwarding a draft plaint in the proposed suit for recovery of the amount bequeathed by the late Mr.Somasundara Modaliar, I am directed to request that a copy of the will executed by the donor and referred to in the draft plaint may kindly be sent for reference and return, immediately.

I have the honour to be,
Sir,
Your most obedient servant,
Sd. M.Venkatesa Iyengar,
General Secretary to Government.

Memo No. P 7903.

Copy of the above is forwarded to the Public Prosecutor, Bangalore with a request that if he has the copy it may be sent at once.

By Order,

For General Secretary to Government.

T33

(34

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 19

Date of issue 27.5.36

Signed by Sec. N.R.J.

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No.

Serial No.

re Draw

No. P7902

To

The Mag. Comm^r

Sir,

I am directed to refer to your letter no. GC 150/32-33 dt. 21.5.36 forwarding a draft plaint in the proposed suit for recovery of the amount bequeathed by the late Mr. Shanmugam Modaliar. I am directed to request that a copy of the will executed by the testator and referred to in the draft plaint may kindly be sent for reference and return, immediately.

I have etc.

Sd/-

No. P7903 of 27.5.36. 27/5 for Gen Sec^y

Copy to Pro^r, Bdoe with a request that if he has the copy it may be sent at once. 150 27/5

Sd/- 27/5

(35

Appendix F G—1]

SUBJECT .....

.....

.....

General and Revenue Secretariat

( )

the *193*

Date of issue 28.5.36.

Signed by Mr. V.R.J.

List of enclosures .....

Copied by .....

Examined by 28/5/36

Section

File No.

Serial No.

Diary No. of letter replied to ..... D.O. No P7921

To Dear Mr. Doraiswami Iyer,

Re: the draft plaint sent for approval in the proposed suit for administration of the estate of late Mr Somasundaram mudaliar, the copy of the will referred to in the plaint is not sent & it has not therefore been possible to get orders today in the matter. Please see that in the this case posted for hearing to tomorrow the 29th, the parties do not draw away the conversation current which is likely to make our task in the suit more difficult

Yours

28/5

1935 935

No. 1203.
35—36
Enc. ..... Copy of ww

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.
DISTRICT OFFICE BUILDINGS,
Bangalore, 29th May 1936.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

31 MAY [illegible]

RE: The proposed suit for recovery of the amount bequeathed by the late Mr. Somasundara Mudaliar.

With reference to your memo. No.P.7903 of the 27th instant, I have the honour to send herewith the copy of the will executed by late Mr. Somasundara Mudaliar. The mis. case posted today has been adjourned to the 12th June 1936 as the court was engaged in hearing other old cases. The receipt of the will may kindly be acknowledged

I have the honour to be,
Sir,
Your most obedient servant,

G. Doraswamy Iyer
Public Prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

37

No. D 8071 / 68-35

Dated, Bangalore, 4th June 1936

From Law

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division,
Bangalore.

Sir, Re.Civil suit for recovery of the amount bequeathed by the late Mr.Somasundara Mudaliar.

With reference to your letter No.1203/35-36 dated 29th May 1936 forwarding a copy of the will executed by the late Mr.Somasundara Mudaliar, I am directed to enquire why Mr.Sundaram Iyer who has been appointed as executor in the will is not impleaded as a defendant in the plaint and whether he is not a necessary party.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

mk.

Appendix F G—1]

138

SUBJECT.....

.....

.....

Section Law

File No. 68-35

Serial No.

Diary No. of letter replied to.....

No. P 8071.

To The G.A. Kilinochchi

Re:- Civil Suit - for recovery of the amount bequeathed by the late Mr. Sama Sundaram deceased

General and Revenue Secretariat

( )

the *193*

Date of issue 4/6/36

Signed by M. A. J. [illegible]

Sir,

With reference to your letter no. no3 43536 d. 29.5.36 forwarding a Copy of the Petition filed by the late Mr. Sama Sundaram deceased I am directed to enquire why Mr. Sundaram Iyer who has been appointed as Executor in the will is not impleaded as a defendant in the plaint and whether he is not a necessary party. I have the

List of enclosures.....

Copied by .....

Examined by.....

3/6. for Government Agent

3/6.

WD 03601—GPB—30,000—23-9-35

25-05-35

No. 1262
35-36
Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,
Bangalore, 8th June 193 6

39

FROM G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

Law 68-33

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: Civil suit for recovery of amount bequeathed by
the late SomaSundara Mudaliar.

With reference to your letter No.P.807I/Law 68-35 dated 26-6-36, I have the honour to state that the name of Mr. Sundaram Iyer has probably been omitted by oversight and that it will be included in the fair plaint. As the mortgage records have been sent to the Sub-Registrar's office, a copy of the will is not readily available here for reference.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

KHK.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 8210 Law 68-35 9 Dated, Bangalore, 11th June 1936

12

Enq. draft-plaint-Records

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,

Bangalore Division

Sir,

Re. Civil Suit for recovery of amount bequeathed by the Late Somasundara Mudaliar.

With reference to your letter No.1262/35-36 dated 8th June 1936, I am directed to state that the draft ~~plaint~~ in para 4 says that the plaintiff is appointed in the ~~work~~ to collect the amount bequeathed to the temple. ~~This does not seem to the temple.~~ This does not seem to be correct since a sole executor has been appointed to carry out the bequests. I am therefore to enquire whether a notice has been issued to the executor and if so what reply has been received in the matter.

The draft plaint together with the connected records are herewith returned for revision and resubmission.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

mk.

Appendix F G—1]

(41

SUBJECT.....

.....

.....

Section Law

File No. 65-33

Serial No. 5 9

Diary No. of letter replied to.....

No. P 8210/Sec 2 draft plaint-A Records

To The Hon. D'Love

General and Revenue Secretariat

( )

the *193*

Re: Civil Suit for recovery of amt bequeathed by late Samasundara modali -

Date of issue 12-6-36

Sir,

Signed by Mr. N. R. J.

With reference to y letter no. nbr/prsc dt 8-6-36, I am directed to state that the draft plaint in para 4 says that the plaintiff is appointed in the will to collect the amount bequeathed to the temple. This does not seem to be correct since a sole executor has been appointed to carry out the bequest. I am therefore to enquire whether a notice has been issued to

List of enclosures.....

Copied by .....

Examined by.....

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executive and of no real repute
as "Lean" received in the matter

The drop plant Logues
in the Connected records are Leaves
claimed for ~~re~~ revision and
submission ~~with stick~~

I have the
honour
11/6 to be Gentlemen
Your
(Sd)
11/6

7639/38

No- 1308/38-36

Enc. .....one file

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS.

43

Bangalore, 15th June 1936.

10

Law 68-33

FROM

The Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government.
Bangalore

GENERAL BRANCH
15 JUNE 1936

Sir,

Re: civil suit for recovery of amount bequeathed by late Somasundra Mudaliar
with reference to my letter No. P. 8210
dated 17/6/36,

I have the honour to enclose herewith a letter in original from Mr. A. Sundarama Iyer. As he is not able to take proceedings I suggest that a suit be filed in the form proposed. The connected records are returned herewith together with the copy of the will.

I remain Sir
Your most obedient
Servant

Sundarama Iyer
Public Prosecutor
Bangalore

Salu.

144

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d :-

Government Order No.F.6913-16/Law.68-33-7 dated 20th April 1936 according sanction to file a civil suit for recovery of the amount due to Sri Jalakanteswara Swamy Temple under the will of the late Mr. Somasundara Modaliar.

2. Letter No. .C.100/32-33 dated 22nd May 1936 from the Muzrai Commissioner forwarding for approval the draft plaint in the proposed suit and soliciting sanction of Government for meeting the expenses of the suit in the first instance from the closing balance of the general Muzrai Fund subject to adjustment in due course as there is not sufficient cash balance at the credit of the temple.

O r d e r No. P 161-4 Law 68-33 11

Bangalore, dated the 3rd July 1936.

The draft plaint is approved. Sanction is accorded to meet the expenses of the suit excluding the advocate's fee from the closing balance of the General Muzrai Fund as proposed by the Muzrai Commissioner.

for General Secretary to Government.

To

The Muzrai Commissioner in Mysore with draft plaint and connected records.
" Public Prosecutor, Bangalore.
" Comptroller to Government.
" Deputy Commissioner, Bangalore.

bnl.6

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

Section Law 8-33

File No. ~~68-35~~ 35

Serial No. ~~7~~ 11

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 4.7. 1936.

Signed by Dr. A. R. J.

Read— G.O. no. R. 6913-16 Law 68-33-7 dated 20. 11. 36 according sanction to file a Civil Suit for recovery of the amount due to Sri Jalakanteswara Swamy temple under the will of the late Mr. Sundara Shetty ~~Order thereon.—No.~~

2. Letter no. DC 150/32-33 dated 22-5-36 from the Dep. Comr forwarding for approval the draft plaint in the proposed suit and soliciting sanction of Govt for meeting the expenses of the Suit in the first instance

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

(46

from the Closing balance of
the General Mugrai fund
subject to adjustment in due
Course as there is not sufficient
Cash balance at the Credit
of the Temple

Order :- no. S.161-4

The ~~Draft~~ plan is approved
Sanction is accorded to meet
the Expenses of the Sale excluding
the advocate's fee from the Closing
balance of the Genl Mugrai
fund as ~~suggested~~ proposed by the Mug. Com

Addl Genl Secy
ISD
3/7

List of Enclosure

To,

1) The Mug. Commr with dft plan
& connected records
2) " Addl. Br.
3) " Comptroller
4) " DC Br.

Copied by

Cop to the Mug. Br.

Examined by

7639

No. 201 38-37

Enc. One Copy of Plaint

557-936

OFFICE OF THE PUBLIC PROSECUTOR.
BANGALORE DIVISION.
DISTRICT OFFICE BUILDINGS

Bangalore, 29th July 193 6

From

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

Sir,

31 JULY

Suit for recovery of money due to Sri Jalakanteswaraswami temple at Fort, Bangalore City by bequeathed by the late Mr. Somasundara Mudaliar.

Adverting to G.O.No.P.I6I-66-Law 68-35-7 dated the 4th instant, approving the draft plaint in the above case, I have the honour to state that the suit has been filed in the court of the District Judge, Bangalore today and a copy of the plaint filed in court is sent herewith for information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer
Public Prosecutor.

KHR.

(48

IN THE COURT OF THE CIVIL JUDGE, BANGALORE.

Original Suit No. 738-37.

The Government of Mysore, by the Mysore Commissioner in Mysore, Bangalore. — Plaintiff.

1. Ramachandra, Canal Department Diwan of the deceased Balu Mudaliar, residing at Arumughala Mudaliar's Street, Civil and Military Station, Bangalore.

2. A.V. Govindaraja Mudaliar, son of Venkatachala Mudaliar, retired Head Supervisor, residing at No.240 Cavalry Road, Civil and Military Station, Bangalore.

3. Arumughallam Mudaliar, son of Veeranna Mudaliar, retired Moulder, residing at No.3/I, Kadu Malla Road, Chamarajpet, Bangalore City.

4. A. Raja Mudaliar, residing at No.240, Cavalry Road, Civil and Military Station, Bangalore.

5. Munivelu Mudaliar, son of Veeranna Mudaliar, residing at No.240, Cavalry Road, Civil and Military Station, Bangalore.

6. Viswanatha Mudaliar, son of Singaravelu Mudaliar, Veterinary Surgeon, Hingoli, Hyderabad State, now residing at No.3, Kodanda Ram Temple Lane, Civil and Military Station, Bangalore.

7. Anthonyamma, residing at Fort, Bangalore City. — Defendants.

150

3. The aforesaid amount is in deposit in Mis. Case. No. 65/31-32 on the file of the Additional District Judge's court, Bangalore City.

4. The plaintiff has control over the said temple which is a Muzrai Institution and is appointed under the will to collect the aforesaid sum due to the institution. The defendants are impleaded as they are mentioned as legatees under the aforesaid will. The 10th defendant who has been appointed an executor under the will has expressed his inability to administer the estate of the deceased. Hence the plaintiff is forced to take action before this Hon'ble Court.

3. The first and fourth defendants are added as parties as they are claimants in Mis. Case. No. 65/31-32.

5. The plaintiff is authorised to institute the suit and sign the pleadings under a Government Order which is annexed herewith and marked 'B'.

6. The genuineness of the will is proved by the averments to the copy of the same annexed herewith and marked 'A'. The original is believed to be in the possession of one or other of opponents in Mis. Case. 65 of 31-32 on the file of the Additional District Judge, Bangalore who have not produced the same.

7. The plaintiff submits that with ulterior motives adverse to the plaintiff's interest the will is likely to be suppressed.

8. The whole amount of the compensation although

in

(51)

32)

in deposit in court is claimed by the opponents in Mis.Case.No.65/31-32 on the file of the Addl. Civil Judge, Bangalore, none of whom are willing to admit the plaintiff's claim. The amount due to the Item he has not been paid to the plaintiff or his agents.

9. The plaintiff claims that an account be taken and that the money of the estate of the deceased be administered under the decree of the court in terms of the will.

10. The value of the suit is Rs.5000/- for purposes of court fee and Rs.10,000/- for jurisdiction and court fee of Rs.350/- is paid hereon.

11. The cause of action arose on 30-7-1932 when the deceased died and in Bangalore City within the jurisdiction of this Hon'ble court.

12. The plaintiff prays for a decree

(a) for payment of the sum bequeathed,

(b) or for administration under a decree of the court,

(c) and for costs of suit out of the estate.

(d) for such other relief or reliefs as this Hon'ble court may deem fit to grant.

Singned and verified in the original.

'Cop'

Advocate for plaintiff.

7639/25

4787 P 836
17/2/37 (52

NO. 1622-23/36-J

Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 15th February 1937.

68—33
Law

From

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor, Bangalore.

GENERAL SECRETARY.
16 FEB 1937

To

The General Secretary to the Government of H.H. the
Maharja of Mysore, Bangalore.

Sir,

RE: O.S.No.5/36-37 on the file of the District
Judge, Bangalore Mis.Case.No.65/31-32.
Re: Sri Jalakanteswaraswamy Temple.

With reference to G.O. No.P.6913 Law 68-33-7 dated sanctioning the filing of a suit as regards the estate of the late Somasundaram Mudaliar, I have the honour to invite your kind attention to my letter of the 30th September 1936 in which I informed about the transfer of the connected Miscellaneous case No.65/36-37 from the Second Additional Subordinate Judge, Bangalore to the District Judge, Bangalore. I am to state that the High Court has now retransferred this Miscellaneous case to the Second Additional Subordinate Judge, Bangalore.

In this connection I invite your attention to my letter No. II07/33-34 dated 18-6-1934, Your letter No.P.5956/Law 6-8-1933 dated 28/29-6-1934 and the subsequent correspondence in connection with the matter. The difficulties legal and probative that will arise which have been already referred to are now likely to arise and I solicit instructions in the matter. The opinion of the Government Advocate may kindly be obtained in the matter also.

Flag T.

I have the honour to be,
Sir,
Your most obedient servant,

G Doraswamy Iyer

(53

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 24th February 1937.

No. P 5163

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir, O.S. No. 5/36-37 on the file of the District Judge, Bangalore Mis: case No. 65/31-32 regarding Sri Jalakanteswaraswamy Temple.

With reference to your letter No. 1622-23/36-7 dated 15th February 1937 stating that the above Mis: case has been retransferred to the Second Additional Subordinate Judge, Bangalore and the difficulties legal and probative will arise, I am directed to state that as suggested by you a suit has already been filed in the District Judge's Court and as such it is difficult to understand what is meant when you say that the difficulties legal and probative are likely to arise hereafter. I am to request you to make this point clear before the Government Advocate can be asked to give his advice in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

BSKR

For General Secretary to Government.

(54

Appendix F. G.–1]

SUBJECT.....

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Section. Law

File No. 68–38

Serial No. ———

No. P 5163

Diary No. of letter replied to.....

To

The P. M. Bellary

O. S. No. 5/36-37 on the file of the Court Judge, Bellary

His: Case No 65/31-32 –

Re: Sri Jalakanteswaraswamy Temple

Sir,

With reference to your letter no: 1622-23/36-7, dated 15-2-37 stating that the above His: case has been re-transferred to the Second Additional Sub-ordinate Judge, Bellary, and the difficulties

General and Revenue Secretariat.

( )

the *193*

Date of issue 26.2.37

Signed by Dr. BKR.

List of enclosures.....

Copied by.....

Examined by.....

(5)

arise, I am directed to
State ~~that as suggested by~~
~~for a suit that~~ it is
difficult to understand what is meant
~~you mean~~ when you say
that the difficulties legal and
~~arbitrative~~ are ~~more~~ likely to
arise, ~~inasmuch as a suit has~~
~~been~~
~~taken cognizance in the dist judge's~~
~~Court~~. I am to request
you to make this point clear.
~~before~~ G.A can be asked ~~to~~ give his advice in the
matter I have etc.

BAR

for Genl Secy.

*. ~~the~~ as suggested by you a suit has ~~been~~ already been filed in the District Judge's Court and as such

5275/36 P (56

NO. 1772/36-7 Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 9th March 1937.

I M M E D I A T E.

-210 84-33-12

From

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.

GENERAL SECRETARY
10 MAR 1937

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

Sir,

Re: O.S.No.5/36-37 on the file of the District Judge, Bangalore.

I have the honour to acknowledge the receipt of your letter No.P.5163 of the 25th February 1937 and to state that the main difficulties raised by me are set forth hereunder:-

I. We claim under a will of one Somasundara Mudaliar who applied for a reference to the Land Acquisition Officer.

2. The reference is under Section 31 of the Regulation.

3. Before the reference the said Somasundara Mudaliar died.

4. At the time when the reference reached the District Court the testator was dead.

5. Whether we can be held to be proper parties is a question to be considered. The previous correspondence in the matter will show why a suit was thought desirable and preferable to contesting the claim in the Land Acquisition Court.

(517

6. The reference being under Section 31 the question as to which of the two claimants are entitled to the money has to be decided. Evidence regarding the right of Somasundara Mudaliar to the properties will have to be let in and as no one is instructing me in the matter I find it difficult to adduce evidence.

I request that some one be directed to instruct me about the evidence to be let in under Section 31 of the Land Acquisition Act. I have no other documents with me except a copy of will alleged to be executed by Mr. Somasundara Mudaliar.

The case is posted to 11.3.32.

I have the honour to be,

Sir,

Your most obedient servant,

S Doraswamy Gr

Public Prosecutor.

(58

Appendix F G—1]

SUBJECT.....

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Confidential
&
Immediate.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 13.3.37

Signed by Mr. DKR

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No. 68-38

Serial No. 13

No. P5462/Revenue.

To

The Mag: Commr

Re O.S. No 5/36-37 on the file of the Dist Judge, B'lore Re: Sri Jalakanteswariswamy Temple

Sir,

In Continuation of ~~the Continuation of~~ G.O. No 161-4 Law 68-33-4 ~~G.O. No~~ dated 3rd July 1936 approving the draft plaint in the above case, I am directed to forward herewith a copy of letter No. 1772/36-37, dated 9th March '37 received from the D.C., B'lore, and to request you to arrange to give necessary

WD 03601—GPB—30,000—23-9-35

(59

rep unor

(instructions to the P. Pr., B'lore

The Case is posted

to 17-3-1937 for hearing

I have etc.

BMR

for Gen' Secy,

no. PS263. dt 13.3.37

Copy to P. Pr., B'lore.

1882-37 P. 37 (60

Immediate & Confidential.

No. 23/32-38

Enc.....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,
Bangalore, ... 20th .. September ... 1937.

Law 68-33/4

FROM

G.S. Doraswamy Aiyar, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of Mysore,
Bangalore.

SIR,

Re: O.S.5/36-37 on the file of the District Judge, Bangalore. (Government of Mysore by the Muzrai Commissioner in Mysore, Bangalore Vs. Ramachandran & others.)
&
Mis I5/36-37 on the file of the Second Additional Sub Judge Bangalore. (Ramachandran & others Vs. The City Municipality).

I have the honour to ~~xx~~ invite your kind and immediate attention to the above cases and to state as hereunder:-

By his letter No.C3-2087/32-33 dated I0-3-I933 the Deputy Commissioner, Bangalore forwarded for opinion a file of records relating to the endowment to the Sri Jalakanteswara Temple; Fort; Bangalore City under the will of late Mr. Somasundara Mudaliar a resident of fort. The original will was not traced. Opinion was given that a civil suit may be filed by this office letter No.767 of 32-33 dated 22-3-33. The General Secretary in his letter P.5806 dated 4/5-5-33 questioned the necessity of a suit and suggested that the Muzrai Commissioner may be sought to be impleaded in the Land Acquisition case Mis Case No.65/3I-32 on the file of the District Court, Bangalore. After going through the records and interviewing the Amildar and the Executor; Mr. A. Sundaram Iyer, a final reply was sent on 23-8-33 to the General Secretary that an application would be filed to be impleaded as a party. A petition was accordingly prepared and submitted to Government for approval. Government

approved

(61

approved the petition proposed to be filed by their letter No.P.I607 dated Io-Io-33. As pointed out, Government also directed that the Government of Mysore may be represented by the Muzrai Commissioner. After obtaining the approval and signature of the Muarai Commissioner the petition was filed in Court on 2-I-I934. The legal representative of the deceased rival Ist claimant objected to the Muzrai Commissioner being allowed to come in as a legal representative of the deceased 2nd Claimant. Arguments were heard on this and orders were passed on I3-II-I934 allowing the petition. A comprehensive statement had been filed before his death by the 2nd claimant detailing how he was entitled to the compensation amount.. Five persons had applied to be impleaded and had been brought on record as legal representatives of the deceased Somasundra Mudaliar and were represented by counsel. The statement filed by the 2nd Claimant was adopted as the statement on merits of the newly added representative and the case was posted for evidence to 24-I-I935. Some evidence was let in on behalf of the other legal representatives. Then all of a sudden they began to relax their interest in the case and one of them examined himself in Court as a witness and stated that on further consideration he was withdrawing his claim. The others sent an affidavit for a like purpose. The Muzrai Commissioner was then left as the only contesting legal representative of the deceased 2nd claimant. Intimation was given to Government by letters No.762 and 842 dated 7-2-36 and 25-2-36 respectively that the parties were trying to come to a settlement among themselves. Government wanted information as to when a suit for the legacy would be barred. On receipt of a reply pointing out the need for early action, Government by their

Hap T.

their G.O.No.P.6913-16 Law 68-33-7 dated 17/20-4-1936 directed a suit being filed. The Muzrai Commissioner by his letter P.C.150/32-33 dated 21/23-4-36 requested that a draft plaint may be forwarded to him. The final draft was approved by Government in their order No.P.161-64 Law 68-35-7 dated 3/4th July 1936. The suit was filed in court on 29th July 1936 and intimation thereof sent to Government Muzrai Commissioner and Deputy Commissioner by letters No. 201, 202, and 203 of the same date. The Land Acquisition case Mis 65/31-32 was then pending in the Additional District Judge's Court.

Steps were taken for examining witnesses and their attendance also secured. A separate court was constituted to dispose of land Acquisition case and this case was on transfer numbered as Mis 15 of 1936-37. As original Suit No.5/36-37 had been filed for administration of the estate of the late Somasundra Mudaliar and the only property he left was the compensation amount in dispute in Mis. 15/36-37 an application was filed in the District Court for transfer of the land Acquisition case to its own file. The District Court by its order dated 17-9-36 in Mis 46 of 36-37 allowed the petition. This order was reversed by the High Court of Mysore on 8-2-37 in C.R.P.No. 161 of 36-37 which directed the land Acquisition case to be disposed of by the Land Acquisition Judge.

After recording evidence and hearing arguments, the Special Land Acquisition Court came to the conclusion that property in dispute belonged exclusively to Mr. Balu Mudaliar and that Mr. Somasundaram Mudaliar had no interest whatever in the compensation amount. This fact was intimated by letter no 1629 37-38 dated 26.7.37.

In

(63

In O.S.5 of 36-37 on the file of the District Judge, an application has been filed by the Ist defendant that as there is no estate to be administered the said suit should be dismissed. The case is posted to 25-Io-I937 for arguments on this application.

An application (I.A.no.6) has been filed before the District Judge in Mis. 15/36-37 by Mr.Ramachandran legal representative of Mr. Balu Mudaliar for payment of the compensation amount to him as per orders of the Special Land Acquisition Court, from which, after its termination the records were returned to the District Court . If the amount is allowed to be paid away, there will be nothing in O.S.5 of 36-37 to administer. Orders are solicited in this matter immediately as the matter is of urgent importance.

I have the honour to be,

Sir,

Your most obedient Servant,

S Doraswamy Gr

Public Prosecutor.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P1758 Law 68-37 -

Dated, Bangalore, 24th September 193

64

Immediate.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division.

Sir,

Re: Mis. 15/36-37 on the Second Additional Sub Judge, Bangalore (Ramachandran and others vs. The City Municipality, Bangalore.)

I am directed to request you to intimate the date of disposal of the above case, and to enquire whether a copy of the judgment has been sent to the Muzrai Commissioner with your opinion regarding the advisability or otherwise of filing an appeal as required in Rule 103 of the Rules for the conduct of Legal Affairs of Government. If the copy of the judgment has not been sent to the Muzrai Commissioner the same may kindly be obtained at once and sent for the information of Government.

The matter may kindly be treated as very urgent.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government

TRE.2

(65

Appendix F G—1]

SUBJECT Immediate

Section Law

File No. 68-33

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 24.9.37

Signed by Mr. BKR

List of enclosures.....

Copied by .....

Examined by.....

No. P1756

To

The Public Prosecutor

Bangalore City

Re: Mis 157/36-37 on the Second Additional Sub-judge, B'lore ~~Mujrai Comm~~ ~~B'lore~~ ~~vs~~

(Ramachandran & others vs the city Municipality, B'lore)

Sir,

I am directed to request you to intimate the date of disposal of the above case, and to enquire whether a copy of the judgment has been sent to the Mujrai Comm: with your opinion regarding the advisability or otherwise of

(66

filing an appeal as required in Rule 103 of the Rules for the Conduct of Legal Affairs of Govt. If the copy of the judgment has not been sent to the Nagrai Commr, the same may kindly be obtained atonce and sent for the information of Govt.

The matter may kindly be treated as very urgent.

I have etc,

For Genl Secy,

1977-83

No. 591/37-38 of order returned in Compliance of No. 588-90 of 37-38 M. 27/9/37.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

Bangalore, 25th September 1937.

FROM

The PUBLIC PROSECUTOR,
BANGALORE DIVISION, BANGALORE.

TO

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re:Mis.I5/36-37 on the file of the Second Additional Sub Judge, Bangalore. (Ramachandran and others Vs. The City Municipality, Bangalore).

With reference to your letter No.P.I756 Law 68-33 dated 24th September 1937, I have the honour to inform that the orders were pronounced in the above case on 19-7-1937 and the same has been intimated to you on 26-7-1937. It is very doubtful if an appeal will lie against the order of a Special Land Acquisition Officer appointed under Section 3(d) of the Land Acquisition Regulation. The opinion of the Government Advocate may kindly be obtained. Attention is kindly invited to the decision in 7I M.L.J.76.

The

(68

he certified copy of order ~~will be sent~~
~~early~~. is enclosed herewith.

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor.

1926 P 837

588-90/37-38
Enc. 1 certified copy of order

Office of the Public Prosecutor,
Bangalore Division,
Bangalore,
dated 25th Septr. 1937.

69

From:- G. S. Doraswami Iyer, Esqr, B.A.B.L.
Public Prosecutor, Bangalore Division,
Bangalore.

(1842 25.9.37)

To

The General Secretary,
to the Govt. of Mysore,
Bangalore.

S i r,

Re:-- O.S.No.5 of 1936 - 37.

Mis. ~~75 of 36 - 37~~ 65/31-32.
on the file of the District Court
Bangalore.

&

Mis. No. ~~15~~ 15 of 36 -37 on the
file of the Additional Sub - Court
Bangalore.

I have the honour to state that I opposed the application filed for drawing out the money awarded in Mis. 15 of 36-37 yesterday before the learned District Judge and requested that the money should be with held pending the disposal of O.S.No.5 of 36-37 or at least the application be kept by till the disposal of the original suit in anticipation of sanction in accordance with Part III of the rules framed under the L.A.Regulation.

The learned District Judge has posted the case ~~for~~ to the 27th instant for orders.

As the decision in Mis. No.15 of 36-37 is that of a Special Land Acquisition Officer appointed under Section 3(d) of the L.A.Regulation, it is doubtful whether an appeal will lie.

If however in order to consider the matter some time has to be taken I will move the Court to-day.

(7)

The matter could not be reported earlier as the filing of the application was ~~filed only~~ brought to my notice only a few days back and notice was taken of it only on 24-9-1937.

I request to be favoured with instructions in the matter whether a motion for stay of payment may be made or not. The copy of the judgment or order is annexed herewith.

I have the honour to be ,
Sir,
our most obedient servant,

Bangalore,
25--9--37.

Public Prosecutor,
Bangalore Dvn,
Bangalore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Immediate.

General and Revenue Secretariat

71

No. P1813.

Dated, Bangalore, 27th September 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

Subject:- Mis.15/36-37 on the file of the Second Additional Sub Judge, Bangalore (Ramachandran and others vs. The City Municipality, Bangalore.)

With reference to your letters Nos. 588-90/37-38, and 591/37-38, dated 25th September 1937 forwarding a copy of the order passed in the above case, I am directed to request you to send at an early date the list of witnesses examined and the documents -- exhibited in the case together with the copy of the late 2nd claimant's objection statement in the above case. The copies of the written statements and the reply in O.S. 5/36-37 on the file of the District Judge, Bangalore, may also be kindly sent for reference.

The matter may kindly be treated as very urgent.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

TRM.2.

Appendix F G—1]

SUBJECT Immediate

Section Law

File No. 68 - 33

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 27.9.37

Signed by Mr. V.K.R.

List of enclosures.....

Copied by .....

Examined by.....

No. P/8/3.

To

The Public Prosecutor

Bangalore City

Cr. No. 15/36-37 on the file of the Second Additional Sub-Judge, B'lore (Ramachandran & others Vs The City Municipality, Bangalore)

Sir,

With reference to your letter nos 588-90/37-38 and 591/37 dated 25th September '37 forwarding a copy of the order passed in the above case, I am directed to request you to send at an early date the list of the witnesses examined, and the documents exhibited in the case together with the copy of the

(P3)

late 2nd claimant's objection statement in the above case. The copies of the written statements and the reply in O.S. 87/36-37 on the file of the Dist. judge, Bangalore may also be kindly sent for reference

The matter may kindly be treated as very urgent.

I have etc.,

BNR

for Gen: Secy.

2072-37 (74

No. 7031-37-38

Enc. P.I to [7I.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, ... 28th .. September ... .193 7.

FROM

The *Public Prosecutor,*
Bangalore Division, Bangalore.

GENERAL SECRETARY.
To
29 SEP. 1937

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re: His [5 of 36-37 on the file of the Second Additional Sub Judge, Bangalore. (Ramachandran & others Vs. The City Municipality, Bangalore).

With reference to your letter No.P.I813 dated 27-9-1937, I have the honour to forward herewith all the relvant papers available in this office. The copy of the Written Statement of Defendant I is enclosed herewith. No reply is yet filed as the other defendants have not yet filed their statements.

I have the honour to be,

Sir,

Your most obedient Servant,

Public Prosecutor.

15

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE

-----:O:-----

O.S. No. 5 of 1936-37.

Plaintiff:-		Defendants:-
Government of Mysore by the Muzrai Commr.	Vs.	Ramachandran and others.

Under Order VIII, Rule 1, Civil Procedure Code, the first Defendant above-named states as follows:-

This Defendant beyond admitting that Mr. Somasundaram Mudaliar died on the date stated does not admit that he left a Will and that the ~~document~~ same is genuine.

The deceased had not the power to will away the compensation amount or any portion thereof, as the amount belongs exclusively to this claimant. Thus the so-called will even if it has been executed cannot confer any rights to the plaintiff or any other legatee to claim all or any portion of the amount of compensation.

The plaintiff is claiming the sum of Rs. 5,000/- adversely to this Defendant in Mis. No. 65 of 1931-32 on the file of the Additional District Judge of Bangalore subsequently transferred to the Second

Second Additional Subordinate Judge and pending before him in Mis. No. 10 of 1936-37 at the time of the filing of the suit.

As the plaintiff could not adduce evidence in support of his claim in spite of repeated opportunities, this Defendant has reasons to believe, that this suit has been filed in order to procrastinate proceedings which ~~is~~ are already about 6 years old, with a view to ~~cause~~ coerce this Defendant to come to terms. In the circumstances, the suit is in ~~my~~ any event liable to be stayed pending the result of the Miscellaneous case ~~before the Land Acquisition Court~~.

The suit is not maintainable for administration in view of the complete seisin of the matter by the Land Acquisition Court. Besides the suit does not lie at the instance of the plaintiff, who states that he is a representative of a legatee as the legatee himself could not have filed a suit for administration.

There is nothing to be administered and the suit even if held maintainable irrespective of the Land Acquisition proceedings, could only be brought for the recovery of a specific legacy.

The suit is also not maintainable before this Court and the plaintiffs ~~are~~ are not entitled to value the relief for purposes of Court fee and jurisdiction separately, If, however it is held that Rs. 25000/-

(75

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE

-----:O:-----

O.S. No. 5 of 1936-37.

Plaintiff:-		Defendants:-
Government of Mysore by the Huzrai Commr.	Vs.	Ramachandran and others.

Under Order VIII, Rule 1, Civil Procedure Code, the first Defendant above-named states as follows:-

This Defendant beyond admitting that Mr. Somasundaram Mudaliar died on the date stated does not admit that he left a Will and that the ~~xxxxxx~~ same is genuine.

The deceased had not the power to will away the compensation amount or any portion thereof, as the amount belongs exclusively to this claimant. Thus the so-called will, even if it has been executed cannot confer any rights to the plaintiff or any other legatee to claim all or any portion of the amount of compensation.

The plaintiff is claiming the sum of Rs. 5,000/- adversely to this Defendant in Mis. No. 65 of 1931-32 on the file of the Additional District Judge of Bangalore subsequently transferred to the Second

(77 2-

Rs. 25000/- is the proper amount for the purpose of jurisdiction, the amount of Court fee payable must also be on the same amount.

The plaintiff cannot alternatively claim for the awarding of the specific legacy and for the administration of the assets.

The suit is bad for misjoinder of parties and for multifariousness of a cause of action.

The suit is also barred by limitation.

If the alleged executor has not chosen to act, proceedings to prove the will ought to have been started and before such a thing is done the suit is not maintainable.

In any event, the Plaintiff who could have got his relief, having needlessly started another proceeding for the same relief has got to pay the costs of the suit.

Bangalore,
12-10-1936

First Defendant.

Advocate for First Defendant.

I, the First Defendant above-named do hereby declare that what is stateda above is true to the best of my knowledge and information and belief.

First Defendant.

Appendix F G—1]

Immediate (78

SUBJECT .....

.....

.....

Section Law

File No. 68- MM 33

Serial No. 15

Diary No. of letter replied to.....

No. P 2215/Revenue

To

The Public Prosecutor

Bangalore

General and Revenue Secretariat

( )

the *193* .

Date of issue 29.10.37

Signed by Mr. A.S.R.

O.S. 5/36-37 on the file of the Dist. judge, B'lore (Govt Vs V.B. Ramachandran and others) — [Mis 15/36-37 on the file of the Addl. Dist. Judge B'lore (Ramachandran and others Vs the Pol. Commr' Bangalore)]

Sir,

With reference to your letter no 591/37-38, dated 25th September 1937 in regard to the above case, I am directed to state that the Govt are advised that this is not a fit case for filing an appeal before the High Court and that as a consequence the Original Suit (O.S. 5/36-37

List of enclosures.....

Copied by .....

Examined by.....

(79

~~pending before the District Judge,~~

Bijoy may be allowed to be

dismissed I am to request

you however to move the District Court accordingly

~~by filing~~ a Representation in the District Court

~~to the effect~~ on behalf of the

to the effect that in the circumstances of the case

Surjai Comm'r of the Court

may be pleased to dismiss the Suit

directing each party to bear his own Costs

~~instead of ordering him to pay Costs~~

~~payable to the defendant~~

entire

The Certified Copies of order

depositions etc: received ~~in the~~ are

herewith returned.

I have etc

BKP,

For Govt Secy

No. 1029-30/37-38

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, ...16th ..November... .. ....193 7.

FROM

Law 68-33-16

The *Public Prosecutor,*
Bangalore Division, Bangalore.

To

GENERAL SECRETARY.
18 NOV. 1937

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re:O.S.5 of 36-37 on the file of the District Judge, Bangalore. (The Government of Mysore by the Muzrai Commissioner in Mysore, Bangalore Vs. Ramachandran & others

---

With reference to your letter No.P.2215 Law 68-37 dated 29th October 1937, I have the honour to inform that the above suit was dismissed without costs on 13-II-1937. An application for a certified copy of the order has been filed in court and the same will be forwarded as soon as it is received from court.

GENERAL SECRETARY.
19 NOV. 1937

Submitted for perusal.

I have the honour to be,

Sir,

Your most obedient Servant,

Public Prosecutor.

5028/1698

715 P 837

(81

M. C. 13] P.C. 150/32-33

1 File with Judt & Decree Copies

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 3rd June *193* 8.

Law 68-33-17

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore.

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

GENERAL SECRETARY.
6 JUNE 1938
P.S.

O.S.5/36-37 on the file of the District Judge, Bangalore.
(The Muzrai Commissioner Vs. Ramachandran and others.)

In continuation of this office letter No.P.C.150/32-33 dated 3 March 1938 re. the above, I have the honor to forward herewith the certified copy of judgment and decree in the above case, for perusa and return. It will be seen therefrom that the case was dismissed without costs on the representation of the Public Prosecutor, in accordance with the instructions issued in your letter No.P.2215/Law 68 37 dated 29-10-1937.

2. In this connection, the Public Prosecutor has forwarded a bill for Rs 139 including his remuneration of Rs 125 allowed by the Court.. Th Sri Jalakanteswaraswamy Temple at Fort, Bangalore City, to which institution the suit refers, has, at present, only a sum of Rs 200 at its credit and this amount will be required for current expenses. In the circumstances, I request that sanction of Government may be obtained to advance the amount of the bill from the allotment made in the curren year's General Muzrai Fund Budget for such advances, subject to recoupment from the temple funds in due course.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

(82

Read:-

Government Order No. P. 161-4/Law 68-33-11, dated 3/4 July 1936, according sanction to meet the expenses of the suit proposed to be filed for recovery of the amount due to Sri Jal kanteswaraswamy temple under the will of the late Mr.Somasundr Mudaliar from the closing balance of the General Muzrai Fund subject to adjustment in due course.

2. Correspondence ending with letter No. P.C.150/32-33, dated 3rd June 1939 from the Muzrai Commissioner, forwarding a bill for Rs. 139/- being the remuneration and other expenses o the Public Prosecutor, Bangalore, for professional services rendered on behalf of Government in O.S. No.5/36-37, on the file of the District Judge, Bangalore (Government vs. Ramachan and others) and requesting in the circumstances stated sanctio of Government to advance the amount of the bill from the allot ment made in the current year's General Muzrai Fund Budget, subject to recoupment from the temple funds in due course.

Order No. P673-4 Law 68-33-18 Aug- 18

Bangalore, dated the ~~29th July~~ 1938.

S a n c t i o n e d.

For General Secretary to Government.

To

The Muzrai Commissioner in Mysore with the bill and Bangalore Public Prosecutor's letter and judgment copy
" Comptroller to Government.

TRM.3

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 1-8- .....1938.

Signed by ..... Dsr BKR .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(vi) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

P. U. D.

Section Law

File No. 68 - 33

Serial No. 18

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G. O. no P 161-4 Law-68. 33-11, dated 3rd-4th July 1936, according sanction to meet the expense proposed to be filed of the ~~x~~ Suit for recovery of the amount due to Sri Jalakanteswaraswamy Temp under the will of the late ~~Order thereon—No~~ M.V. Somasundara Mudaliar from the closing balance of the General Muzrai Fund subject to adjustment in due course.

(2) Correspondence ending with letter no P.C. 150/32-33, dated 3rd June '38 from the

(84

Muzrai Commr forwarding ~~for sanction~~ ~~a charge estimate~~ a bill for
Rs 139/= being the Remuneration
and other expenses of the
P. Pr. B'lore for professional
services rendered on behalf
of Govt in O. S. No 57/36-37
in the file of the Dist. Judge,
Bangalore (Govt Vs Ramachandran
and others.), and requesting
in the circumstances stated,
sanction of Govt to advance
the amount of the bill from
the allotment made in the
current year's General Muzrai
Fund Budget, subject to
recoupment from the temple funds
in due course.

List of Enclosure

Order No. P 673-4/Exam 3

Sanctioned.

MR

for Gen'l Secy:

Copied by

To

Examined by

(1) The Muzl Commr with the
bill and Below P. Pr's letter and 3d copy.

(2) The Comptr. to Govt

WD 0523—GPB—22,500—16-3-37

No. 606/383-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION
DISTRICT OFFICE BUILDINGS,

Bangalore, 10th February *19*34

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT 13 FEB. 1934 No. C.S. 1820

To

The Muzrai Commissioner in Mysore,
Bangaloro.

SIR,

RE: Recovery of the endowment said to have been made by one Mr. Somasundra Mudaliar for the benefit of t Sri Jalakanteswara Swamy Temple at Fort, Bangalore.

With reference to your letter No.P.C.150/32-33 dated 23-12-33, I have the honour to state that an application under Order I Rule 10 (2) and 151 of the Civil Procedure Code and Section 53 of the Land Acquisition Regulation was filed in District Court on 2-1-34 and the same has been marked as Serial No.2. The court has ordered ~~for~~ issue of notices to the claimants and the case is posted to 2-3-34 for return of notices.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ G.S. Doraswamy Iyer,

public Prosecutor.

K.H.K.

607/383-34

Copy of the foregoing is submitted to the General Secretary to Government of H.H. the Maharaja of Mysore, Bangalore with reference to his letter No.P. 2722/Law 68-33-4 dated 12-12-1933.

Sub? for perusal

G.S. Doraswamy Iyer
Public Prosecutor.

8/734

No. 6/34-35

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

(Camp Tumkur)

Bangalore, 3rd July 1934.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

RE: Mis. case. No.65/3432 on the file of the District Judge, Bangalore. In the matter of the estate of late Mr. Somasundara Mudaliar.

I have the honour to acknowledge receipt of your letter No.P. 5956/Law 68-33 dated 29-6-34 regarding the above case and to state that action will be taken accordingly. The case has been adjourned to the 31st July as the court was engaged in sessions on 29-6-34.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer
Public Prosecutor,
(Camp Tumkur)

KHR.

Submitted for perusal

No. 606 / 383-34

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 10th February *193*

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL SECRETARIAT
13 FEB. 1934
No.

TO

The Muzrai Commissioner in Mysore,
Bangalore.

SIR,

RE: Recovery of the endowment said to have been made by one late Mr. Somasundara Mudaliar for the benefit of th Sri Jalakanteswara Swamy Temple at Fort, Bangalore.

With reference to your letter No.P.C.150/32-33 dated 23-12-33, I have the honour to state that an application under Order I Rule 10 (2) and 151 of the Civil Procedure Code and Section 53 of the Land Acquisition Regulation was filed in District Court on 2-1-34 and the same has been marked as Serial No.2. The court has ordered ~~the~~ for issue of notices to the claimants and the case is posted to 2-3-34 for return of notices.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ G.S. Doraswamy Iyer,

Public Prosecutor.

K.H.R.

607 / 383-34

Copy of the foregoing is submitted to the General Secretary to Government of H.H. the Maharaja of Mysore, Bangalore with reference to his letter No.P. 2722/Law 68-33-4 dated 12-12-1933.

G. Doraswamy Iyer
Public Prosecutor.

F 6702/33

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS. 87

No. 1099 / 33-34

Enc.

Dated 16th June 1934.

18 JUN ..

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

To

The General Secretary to the
Government of Mysore,
Bangalore

SIR, 19/6

Subject:— Mis 65/31-32 on the file of the District Judge, Bangalore.
(In the matter of the Estate of late Mr. Soundra mudaliar)

I have the honor to state that the above case has been adjourned to the 29th June 1934 for objection of the 2nd ~~the~~ Claimant and of production of will. The first claimant has filed objection.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.
KM

WD 3205—GPB—1,000—17-8-33

824-834

F

No. 156/35

Enc.

GENERAL SECRETARIAT B

7 AUG. 19[illegible]

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

88

Dated 4th August *1934.*

FROM

The Public Prosecutor,
Bangalore *Division,*
Bangalore

To

The General Secretary to the Government of Mysore. Bangalore

SIR,

Subject:— Mis 65/31-32 on the file of the District Judge, Bangalore. In the matter of the Estate of late Somasundra mudaliar.

I have the honor to state that the above case has been adjourned to the 4th September 1934 as the 31st was a particular Holiday

16/6/35
30+8+13
Orders Sh. for March 35

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

F 7832/935

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 1359/35-36

Enc.

Dated 24/6 1936.

FROM

The Public Prosecutor,
Bangalore *Division,*
Bangalore

GENERAL SECTT.
25 JUNE 1936

To The General Secretary to
Govt. Bangalore

SIR,

Subject:— Mis 65/31-32 on the file of the Additional District Judge Bangalore Late Mr Somasundra mudaliars case

I have the honor to state that the above case has been adjourned to the 11th July 1936 as the Court was engaged in hearing other cases

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

F 229 p 336

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS. 90

No. 185/36-37.

Enc.

Dated 28-7-1936.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

To

The General Secretary to the Govt of His Highness the Maharaja of Mysore

30 JULY 1936

SIR,

Subject :— Mis 65 of 31-32 on the file of Additional district judge, Bangalore Babu Mudaliar vs the Mysore Commissi

I have the honor to state that the above case has been adjourned to 11-8-1936 for evidence as the ~~the~~ Court was engaged in hearing other Cases

21. Noted. Submit for perusal. A separate suit has been filed & we are not interested in Mis 65

I have the honor to be,
Sir,
Your most obedient servant,

WD 0205—GPB—1,000—17-8-33

Public Prosecutor.

F

1135 1936

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore ..... DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 327/36-37.

Enc.

Dated ..... 18th August ..... 1936.

FROM

The Public Prosecutor,
Bangalore ..... *Division,*
..... Bangalore. .....

GENERAL SECRETARIAT
To
19 AUG. 1936

The Joint-Secretary to Govt
Bangalore

SIR,

Subject:—O.S.No.5/36-37 on the file of the District Judge, Bangalore. (The Muzrai Commissioner, Bangalore -VS- Ramachandran and others.) In the matter of the estate of late Mr. Somasundra Mudaliar.)

I have the honor to state that the above case has been adjourned to ..... 3rd September 1936 for return of summons ..... ~~xx~~ this ~~xx~~ ..... to the defendants. .....

27
Noted
Submd for perusal.
20/8

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

Sec C
21-8-36

3419/36

No. 1243/36-37

Enc.

OFFICE OF THE PUBLIC PROSECUTOR
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.
Dated 7 — 12 — 1936.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

To GENERAL SECRETARY. 9 DEC. 1936

The General Secretary to the
Govt of Mysore, Bangalore

Sir,

Subject:— Re: OS. 5-/36-37. on the file of the district judge, Bangalore
Govt of Mysore — vs. Ramachandra & 10 others

I have the honor to state that the above case has been adjourned to 23-12-1936 for issue of notice to the legal representatives of the deceased 2nd debt.

27
Noted

Subd for perusal.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

10/12

10.12

10-12-36

WD 02100—900—27.2.36

3831/36

F

OFFICE OF THE PUBLIC PROSECUTOR,

No. 1299

Enc.

Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS. 93

Dated 4 — 1 — 1937.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore.

GEN— 5 JAN. 1937

To the General Secretary to the Govt of Mysore, Bangalore.

SIR,

Subject :— Cr. S. 5/36-37 on the file of the district judge, Bangalore (Shri Mysore commissioner vs. Ramachandrayya

I have the honor to state that the above case has been adjourned to 4—1—1937 for return of ~~Legal~~ notices to the legal representatives of the deceased 2nd defendant.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

27
Noted
Subd for perusal

WD 0205—GPB—1,000—17-8-33

3836/36

F

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS. 94

No. 1324

Enc.

Dated 4th January 1937.

FROM SECRETARIAT GENERAL BRANCH 5 JAN. 19.. RECEIVED

The Public Prosecutor,
Bangalore Division,
Bangalore

To

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Subject :— OS. 5/36-7 on the file of the District Court, Blore.
(Govt. of Mysore by the Mowzai Commissioners Bangalore Vs. Ramachandram & 10 others).

I have the honor to state that the above case has been adjourned ~~to~~ to 12-2-37 for notices to Legal ~~the~~ Representatives of the deceased defendant.

27
Noted
Subd for perusal
DKR 7.1.37

I have the honor to be,
Sir,
Your most obedient servant,

S Doraiswamy Jr
Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

Sec C 7-1-37

5764

No 1811(3037)

En.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 17th March 1937.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

GENERAL SECRETARIAT
19 MAR 1937

To

The Secretary
to the Government of Mysore,
Bangalore.

SIR.

Subject:— O.S. No. 5736-37 on the file of the District Judge, Bangalore (Government of Mysore by Munsif Commissioner, Bangalore) vs Ramachandrappa & 10 others).

I have the honor to state that the above case has been adjourned to 30th March 1937 on account of Tamkur ~~as the~~ Session.

21
Noted
Subd for perusal.
22-3-37

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 02100-900-27.2.36

✓ S 706 of 36

No 19-5/36-37.

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS. 96
Dated April 1937

ROM

The Public Prosecutor,
Bangalore Division,
Bangalore RMB 4

To

The General Secretary
to the Government of Mysore,
Bangalore

SIR,

Subject:— OS. 5/36-37 on the file of the District Judges Bangalore.

I have the honor to state that the above case has been adjourned to 7/6/1937 for issue of notices to L. Dis. as the Defendant 2.

27
noted
Subd for perusal.
7/4

I have the honor to be,
Sir,
Your most obedient servant,

for c
7-6-37
Public Prosecutor.

WD 02100-900-27.2-36

6/29/36

No. 1118-9/36-37,

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.
Dated 8th June *19*37.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore.

GENERAL SECRETARY
10 JUNE 1937
P.M.

To

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Subject:— OS. 5/36-37, on the file of the District Judge, Bangalore.
(Huz: Comm: Vs Rainachandran & others)

I have the honor to state that the above case has been adjourned to 27th July 1937 on account of Summer as the Sessions

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

27
Noted
Subd for perusal
BKR
116

Sen C
11-6-37

4/6 WD 02100-900-27.2.36

No. 16 21 37-38
Ex. 258

GENERAL SECRETARY. 27 JULY 1937

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

Bangalore, 26th July 193 7.

FROM The PUBLIC PROSECUTOR,
BANGALORE DIVISION, BANGALORE.

TO
The General Secretary
to the Government of Mysore,
Bangalore

SIR,

Re: Mis I5 of 36-37 on the file of the Second Additional Sub Judge, Bangalore. (2.f.Munari Commissioner, Bangalore. Vs. The City - Municipality, Bangalore.)

I have the honour to inform that in the above case orders have been pronounced rejecting the claim of Claimant 2(f) the Muzrai Commissioner, Bangalore with costs of Rs.25/- and property is held to belong to Balu Mudaliar.

I have the honour to be,
Sir,
Your most obedient Servant,

Public prosecutor.

760 p837

Offices of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 30/7/37

No. 173-4/37-38

From

G.S. Doraiswami Aiyar, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore.

99

GENERAL SECRETARY
31 JULY 1937

The General Secretary
to the Government of Mysore,
Bangalore.

Sir,

Re: O.S.No. 5 of 36-37 on the file of the District Judge, Bangalore. (Government of Mysore by the Municipal Commissioner, Bangalore Vs. Ramachandrama and 1 other).

I have the honour to inform that the above case has been adjourned to 3rd August 1937 to await the for return of notices.

27
Noted
Subd for perusal.
31/7

1/7

2-8-37

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor.

1860 p 83)

Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 4th August 37.

No. 219-20/37-38

From

G.S. Doraswami Aiyar, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore.

GENERAL SECRETARY
5 AUG. 1937

To

The General Secretary
to the Government of Mysore,
Bangalore.

Sir,

Re: O.S.No. 54 of 36-37 on the file of the District Judge, Bangalore. (The Government of Mysore by the Mustai Commissioner, Bang V. Ramachandran and 1 other)

I have the honour to inform that the above case has been adjourned to 2nd September 1937 for to await Return of Summons.

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor.

27
Noted
Subd for perusal
6-8-37

J 1565 '37
P 03

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore ..... DIVISION,
DISTRICT OFFICE BUILDINGS, 101

No 401-7 37-28

Enc.

Dated 4th September 1937

FROM

The Public Prosecutor,
Bangalore ..... Division,
.....Bangalore.....

GENERAL SECRETARIAT
6 SEP. 1937

To

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Subject :— O.S.5 of 36-37 on the file of the District Judge, Bangalore. (Government of Mysore by the Muzrai Commissioner in Mysore, Bangalore Vs Ramachandran and 10 others)

I have the honour to state that the above case has been adjourned to.....9th September 1937 on account of Tumkur Sessions. ~~xx~~ as ~~xxx~~.....

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03455—GPB—900—30-8-37

1879
p837

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS, 103

No 530-1/37-38

Enc.

Dated 21 — 9 — 1937.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

GENERAL SECRETARY. 22 SEP. 1937

To
The General Secretary
to the Government of Mysore,
Bangalore

SIR,

Subject :— O.S. 5736, on the file of the District Judge, Bangalore (Government of Mysore, by the Municipal Commissioner, Bangalore B. Ramachandra & others)

I have the honour to state that the above case has been adjourned to 25th October 1937 for arguments as the submitted for perusal.

28/9

28/9

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03465—GPB—900—30-8-37

I 1620(a) P 37

No. S-10/37-38.

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS, 101

Dated 9.9.1937

FROM

GENERAL SECRETARIAT
10 SEP. 1937

The Public Prosecutor,
Bangalore Division,
Bangalore.

To

The General Secretary
to the Government of Mysore
Bangalore.

SIR,

Subject :— OS S/136-37

Government of Mysore v Ramachandra
OS

I have the honour to state that the above case has been adjourned to 13.9.37 as the defendants have raised ~~as~~ the an objection to the maintainability of the suit

Submitted for perusal.

BNR
13.9

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

13.9.37

WD 03485—GPB—900—30-8-37

1990 P837

No. 586/37-38
Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

Bangalore, 24th September 193 7.

104

FROM

The PUBLIC PROSECUTOR,
BANGALORE DIVISION, BANGALORE.

GENERAL SECRETARY
25 SEP. 1937

To The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re: O.S.5/36-37 on the file of the District Judge,
&
Mis I5/36-37 on the file of the Second Additional
Sub Judge, Bangalore.

I have the honour to inform that in the above case the point is argued by me to-day and the case is reserved for orders to 27-9-1937.

Submitted for perusal

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor.

2031/1937

No. 605-6/37-38

Enc. ....1.....

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS, 105

Bangalore, 25th Septr. 193 7
27

FROM

The *Public Prosecutor,*
Bangalore Division, Bangalore.

To

The General Secretary.
to Government of Mysore, BANGALORE.

GENERAL SECRETARY.
28 SEP. 1937

SIR,

Re : Mis 65 of 31-32
Ramachandra municipality

I have the honour to forward herewith a copy of the application filed in Court to-day as - instructed.

Submitted for perusal
28.9

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor,
Bangalore Dvn, Bangalore.

GENERAL SECRETARY
28 SEP. 1937
(31)

Govt B (1-10-37)
9-9-37

(124

IN THE COURT OF THE DISTRICT JUDGE BANGALORE DIVISION.

BANGALORE.

M.V. 11/36-37 on the file of the 2nd Addl Munsiff

~~Dis : 65 of No. 31-32 of 1936-37.~~

(O.S. 5/36-37)

Ramachannran and others . (Vs). City Municipality.

Petitioner:- The Deputy Commissioner,
Bangalore District,
Bangalore.

***

Under Section 151 and Order XXVII of
the Civil Procedure Code.

The petitioner prays that this Honourable Court be pleased to with hold the payment of money to the successful claimants in the miscellaneous case were the order to be in their favour as the petitioner wants to consider what further steps have to be taken in the matter.

GOVERNMENT PLEADER.

Bangalore,
26th SEPTR.' 37.

12592 837

OFFICE OF THE PUBLIC PROSECUTOR,
....Bangalore..... DIVISION,
DISTRICT OFFICE BUILDINGS, 107

No. 855-6/37-38

Enc.

Dated.....28th.....October.....193 7.

FROM

GENERAL 29 OCT. 1937 APL

The Public Prosecutor,
Bangalore Division,

To

The General Secretary
to the Government of Mysore,
Bangalore.

SIR,

Subject :— O.S.5 of 36-37 on the file of the District Judge, Bangalore. (Government by the Municipal Commissioner, Bangalore Vs. Ramchandran and 10 others)

I have the honour to state that the above case has been adjourned to 9th November 1937 as the .....

Submitted for perusal.

29/11

ISKR 1.11

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

1-11-37

—GPB—900—30-8-37

(186

IN THE COURT OF THE DISTRICT JUDGE BANGALORE DIVISION.

BANGALORE.

M.S. 11/36-37 on the file of the 2nd Addl. Sub Judge,
His : ~~65~~ No. 31-32 of 1936-37.
(68 5/36-37)

Ramachandran and others . (Vs). City Municipality.

Petitioner:- The Deputy Commissioner,
Bangalore District,
Bangalore.

***

Under Section 151 and Order XXVII of
the Civil Procedure Code.

The petitioner prays that this Honourable Court be pleased to with hold the payment of money to the successful claimants in the miccellaneous case were the order to be in their favour as the petitioner wants to consider what further steps have to be taken in the matter.

GOVERNMENT PLEADER.

Bangalore,
26th SEPTR.' 37.